

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - NW/Corner King Avenue
and Franklin Square Drive * DEPUTY ZONING COMMISSIONER
(Section V of King's Court, aka King's Square)
14th Election District * OF BALTIMORE COUNTY
6th Councilmanic District *
Case No. 95-490-SPHA
Gamma Construction, Inc.
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as Section V of King's Court, also known as King's Square, located in the vicinity of Essex Community College in White Marsh. The Petitions were filed by the owner of the property, Gamma Construction, Inc., by Uri Ben-Or, President, through their attorney, Julius W. Lichter, Esquire. The Petitioner requests a special hearing to approve a provisory section to the Kings Court Development Plan, Section III, Phase II, and Section II, Phase III, and Section IV, pursuant to Sections 1B01.3.A.b.2 and 3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to establish the final location, orientation, height, and use of all buildings and type of major vegetation, screening and parking areas in accordance with that shown on the plat accompanying this Petition. In addition to the special hearing relief sought, the Petitioner seeks variance relief from the B.C.Z.R. and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.4 of the B.C.Z.R. and Section V.B.1 of the C.M.D.P. to permit a minimum lot size of 4,670 sq.ft. in lieu of the required 5,700 sq.ft. for Lots 1 thru 7, and 8 thru 12; from Section 1B01.2.A.2.C.1 of the B.C.Z.R. and Section V.B.3 of the C.M.D.P. to permit a distance between buildings of 16 feet in lieu of the required 25 feet or 30 feet for buildings 25- to

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Date

By

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30-feet in height, plus, between Lots 7 and 8; from Section V.B.6.b of the C.M.D.P. to permit a window to property line distance of 8 feet in lieu of the required 15 feet for Lots 7 and 8; and from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a distance of 16 feet in lieu of the required 40 feet between centers of facing windows for Lots 7 and 8. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Uri Ben-Or, President of Gamma Construction, Inc., property owner, James Kline, Professional Engineer with George W. Stephens, Jr. and Associates, Inc., and Julius W. Lichter, Esquire, attorney for the Petitioner. Appearing as an interested party was Nancy Costello, a nearby resident of the area. There were no Protestants present.

Testimony and evidence offered revealed that the property which is the subject of these requests consists of 2.0143 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The property is part of a larger 220-acre parcel, known as King's Court, which has been developed over the years since the 1970s. The Petitioner is desirous of developing the subject site with 12 single family homes in accordance with Petitioner's Exhibit 1. Testimony indicated the design of the proposed homes is in character and keeping with other homes throughout this community. Due to the size of the property and the layout of the proposed lots, the requested variances are necessary in order to develop the site as proposed.

As noted above, Ms. Nancy Costello appeared as an interested party. Ms. Costello is concerned about screening around the proposed development and the utilization of an open field between the proposed develop-

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Date 8/16/95
By [Signature]

ment and the existing townhouses in her community. Ms. Costello testified that children from her development play in this open field and she would like to see this area remain undeveloped. Furthermore, Ms. Costello believes landscaping is necessary in order to buffer this community from Franklin Square Drive. Ms. Costello's position is echoed in the Zoning Plans Advisory Committee (ZAC) comments submitted by both the Office of Planning and Zoning and the Department of Public Works. Therefore, as a condition of approval, I will require that a landscape plan be submitted to the Landscape Architect for Baltimore County for review and approval prior to the issuance of any building permits. The landscape plan should take into consideration the concerns raised over the visual impact of the proposed development on Franklin Square Drive and the adjacent townhouse community.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

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Date 8/16/95
By [Signature]

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Ches-

peake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Petitioner has in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.


Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the special hearing and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of August, 1995 that the Petition for Special Hearing to approve a provisory section to the Kings Court Development Plan, Section III, Phase II, and Section II, Phase III, and Section IV, pursuant to Section 1B01.3.A.b.2 and 3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to establish the final location, orientation, height, and use of all buildings and type of major vegetation, screening, and parking areas for this development, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.4 of the B.C.Z.R. and Section V.B.1 of the C.M.D.P. to permit a minimum lot size of 4,670 sq.ft. in lieu of the required 5,700 sq.ft. for Lots 1 thru 7, and 8 thru 12; from Section 1B01.2.A.2.C.1 of the B.C.Z.R. and Section V.B.3 of the

C.M.D.P. to permit a distance between buildings of 16 feet in lieu of the required 25 feet or 30 feet between buildings 25 to 30 feet in height, plus, for Lots 7 and 8; from V.B.6.b of the C.M.D.P. to permit a window to property line distance of 8 feet in lieu of the required 15 feet for Lots 7 and 8; and from Section 1B01.2.C.2.b of the B.C.Z.R. and V.B.6.c of the C.M.D.P. to permit a distance of 16 feet in lieu of the required 40 feet between centers of facing windows for Lots 7 and 8, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any building permits, the Petitioner shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County. Said plan shall take into consideration landscaping needs along Franklin Square Drive and between the proposed single family development and the adjacent townhouse community.
- 3) When applying for building permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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ORDER RECEIVED FOR FILING
Date 8/16/95
By Bj

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 16, 1995

Julius W. Lichter, Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
NW/Corner King Avenue and Franklin Square Drive
(Section V King's Court, aka King's Square)
14th Election District - 6th Councilmanic District
Gamma Construction, Inc. - Petitioner
Case No. 95-490-SPHA

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Uri Ben-Or, President
Gamma Construction, Inc., P.O. Box 68, Reisterstown, Md. 21136

Ms. Nancy Costello
6 Baltistan Court, Baltimore, Md. 21237

People's Counsel

File

RECORDED



480



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

95-490-SPTA

for the property located at NW corner of King Avenue & Franklin Square Drive

which is presently zoned D.R. - 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a provisory section to Kings Court Development Plan (Sec.III, Ph.II), (Sec.II, Ph.III), and (Sec.IV), in accordance with §1B01.3.A.b.2 & 3 of the Baltimore County Zoning Regulations, with the intention of establishing the general location, orientation, height, and use of all buildings and the type of major vegetation, screening, and parking areas as shown on the plat accompanying this Petition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

Gamma Construction, Inc.
(Type or Print Name)

Signature

Signature

Address

By: Uri Ben-Or, President
(Type or Print Name)

City

State

Zipcode

Signature

P. O. Box 68

Attorney for Petitioner:

Address

Phone No.

Julius W. Lichter, Esq.
(Type or Print Name)

Reisterstown, MD 21136

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Signature

Julius W. Lichter, Esq.

Name

305 W. Chesapeake Ave. 321-0600

305 W. Chesapeake Ave.

321-0600

Address

Phone No.

Address

Phone No.

City

State

Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

MICROFILMED

ORDER RECEIVED FOR FILING

Date

By

DROP-OFF
No REVIEW
6/22/95
ACR



480



Petition for Variance

9.5-490-SPHA

to the Zoning Commissioner of Baltimore County

for the property located at NW corner of King Avenue & Franklin Square Drive

which is presently zoned DR - 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.2.C.4 and C.M.B.P. (V.B.1) to permit a minimum lot size of 4,670 s.f. in lieu of the required 5,700 s.f. for lots 1 thru 7 and 8 thru 12; from Sec. 1B01.2.A.2C1 and C.M.D.P. (V.B.3) to permit a distance between buildings of 16' in lieu of 25' or 30' for buildings of 25' to 30' plus between lots 7 and 8;

(Continued - SEE ATTACHED)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Shape of the lot and other reasons to be presented at the public hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Julius W. Lichter, Esq.

(Type or Print Name)

Signature

305 W. Chesapeake Ave. 321-0600

Address Phone No.

Baltimore, MD 21204

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Gamma Construction, Inc.

(Type or Print Name)

Signature

By: Uri Ben-Or, President

(Type or Print Name)

Signature

P. O. Box 68

Address Phone No.

Reisterstown, MD 21136

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Julius W. Lichter, Esq.

Name

305 W. Chesapeake Ave. 321-0600

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date By

DROP - OFF
NO REVIEW
6/22/95
WCR



~~95-498-SPHA~~
95-498-SPHA
Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at NW corner of King Avenue & Franklin Square Drive

Continued:

From C.M.D.P. (V.B.6.b.) to permit a window to property line distance of 8' in lieu of 15' for lots 7 and 8;

From Sec. 1B01.2C.2b and C.M.D.P. (V.B.6.c.) to permit a distance of 16' in lieu of 40' between centers of facing windows between lot 7 and 8.

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480
95-490-S PHA

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Plat to Accompany a
Zoning Petition.

June 12, 1995

RE: "Kings Square"

Beginning at a point located on the west side of Franklin Square Drive where the
gusset line of the north side of King Avenue intersects, thence in a clockwise direction:

- 1 - South 73° 26' 31" West 28.12 feet
 - 2 - North 61° 13' 38" West 217.74 feet
 - 3 - North 27° 50' 50" East 350.00 feet
 - 4 - South 62° 09' 10" East 276.3 feet
 - 5 - A curve to the left having a radius of 1460.29 feet, a length of 329.30 feet and a
chord South 34° 34' 17" West 328.60 feet, and
 - 6 - South 28° 06' 40" West 7.50 feet to the place of beginning.
- Containing 2.0143 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED IN
CONVEYANCES OR AGREEMENTS)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-490-SPH12

District.....

Date of Posting 7/13/95

Posted for: Special Hearing - Varduno

Petitioner: Bowma Construction, Inc.

Location of property: Kings Square - NW/Cor Mings Ave. & Franklin St Drive

Location of Signs: Facing road sign, on property being zoned

Remarks:

Posted by M. Mitalas

Signature

Date of return: 7/21/95

Number of Signs: 1

RECEIVED

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

July 14, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 13, 1990.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-490-SPHA
(Item 480)
Section 15, King's Court
known as Kings Square
MHC King Avenue and
Franklin
14th/Elbow Drive

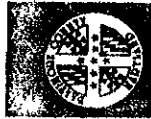
5th Chelmsford
Legal Services
General Construction
Inc.

Hearing: Wednesday,
August 2, 1995 at 11:00
a.m. in Rm. 106, County Of-
fice Building.

Special Hearing to establish the general location, location, height, and use of buildings and the type of major vegetation, screening, and parking areas as shown on the plat. Variance to permit a minimum lot size of 4,670 square feet in lieu of the required 5,708 square feet for lots 1 thru 7 and 8 thru 12. To permit a distance between buildings and parking areas of 25 feet in lieu of 30 feet in lots 15 thru 16 and 17 and 18 and 19. To permit a distance of 16 feet in lieu of 40 feet between centers of facing windows between lot 7 and 8.

Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
capped. Accessible for special ac-
commodations. Please Call
887-3353
(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391
7/13/90



Baltimore County
Zoning Administration &
Development Management
141 West Chesapeake Avenue
Towson, Maryland 21204

Date 6/22/95

Receipt
95-490-SHA

Account: R-001-6150

Number 480 (WCR)

DROP OFF— NO REVIEW

#010 - RESIDENTIAL VARIANCES

#030 - RESIDENTIAL SPECIAL HEARINGS

#070 - MAXIMUM OF ABOVE _____ \$650.00

#080 - SIGNS - 2 _____ 70.00

TOTAL _____ \$720.00

Gamma Construction, Inc.
Kings Square
District: 14c6
Acreage: 2.0143 +/- acres
Attorney: Julius W. Lichter

Check from Levin & Gann

0240340293MICARC \$720.00
39 00097044036-23-33

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.:

480

Petitioner: Gamma Construction, Inc.

Location: NW corner of King Avenue & Franklin Square Drive

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mr. Uri Ben-Or / GAMMA Construction, Inc.

ADDRESS: P. O. Box 68

Reisterstown, MD 21136

PHONE NUMBER: c/o 321-0600 (Julius Lichter)

AJ:ggs

MICROFILMED

(Revised 04/09/93)

ITEM **27**



TO: PUTUXENT PUBLISHING COMPANY
July 13, 1995 Issue - Jeffersonian

Please forward billing to:

Uri Ben-Or
Gamma Construction, Inc.
P. O. Box 68
Reisterstown, MD 21136
321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-490-SPHA (Item 480)

Section 5, King's Court known as Kings Square

NWC Kings Avenue and Franklin Square Drive

Legal Owner(s): Gamma Construction, Inc.

HEARING: WEDNESDAY, AUGUST 2, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Hearing to establish the general location, orientation, height, and use of all buildings and the type of major vegetation, screening, and parking areas as shown on the plat.

Variance to permit a minimum lot size of 4,670 square feet in lieu of the required 5,700 square feet for lots 1 thru 7 and 8 thru 12; to permit a distance between buildings of 16 feet in lieu of 25 feet or 30 feet for buildings of 25 feet to 30 feet plus between lots 7 and 8; to permit a window to property line distance of 8 feet in lieu of 15 feet for lots 7 and 8; and to permit a distance of 16 feet in lieu of 40 feet between centers of facing windows between lot 7 and 8

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

11/13/95

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-490-SPHA (Item 480)

Section 5, King's Court known as Kings Square

NWC Kings Avenue and Franklin Square Drive

Legal Owner(s): Gamma Construction, Inc.

HEARING: WEDNESDAY, AUGUST 2, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Hearing to establish the general location, orientation, height, and use of all buildings and the type of major vegetation, screening, and parking areas as shown on the plat.

Variance to permit a minimum lot size of 4,670 square feet in lieu of the required 5,700 square feet for lots 1 thru 7 and 8 thru 12; to permit a distance between buildings of 16 feet in lieu of 25 feet or 30 feet for buildings of 25 feet to 30 feet plus between lots 7 and 8; to permit a window to property line distance of 8 feet in lieu of 15 feet for lots 7 and 8; and to permit a distance of 16 feet in lieu of 40 feet between centers of facing windows between lot 7 and 8

A handwritten signature in black ink, which appears to read "Arnold Jablon".

Arnold Jablon

Director

Department of Permits and Development Management

cc: Gamma Construction, Inc.

Julius W. Lichter, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 27, 1995

Julius W. Lichter, Esquire
305 W. Chesapeake Ave.
Towson, Maryland 21204

RE: Item No.: 480
Case No.: 95-490-SPHA
Petitioner: Gamma Construction Co.

Dear Mr. Lichter:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 22, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: July 25, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: Kings Square

INFORMATION:

Item Number: 480

Petitioner: Gamma Construction Company

Property Size: _____

Zoning: DR-5.5

Requested Action: Special Hearing & Variance

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The proposed Kings Square development of 12 single-family dwellings is in compliance with the Master Plan and the Perry Hall-White Marsh Plan. As indicated on the development plan, the lots along Franklin Square Drive shall have uniform fencing and shall be well landscaped. In addition, the sides of the dwellings along King Avenue shall be architecturally designed similarly to the fronts of the dwellings.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Keen

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: July 24, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for July 17, 1995
Item No. 480

The Development Plans Review Division has reviewed the subject zoning item. This proposal is subject to the Landscape Manual. The fencing and H.O.A. landscape strip noted on the petition plan will be included on the final landscape plan.

RWB:sw

RECEIVED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/13/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JULY 10, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 478, 479, 480, 481, 482,
484, 487, 488, 490, 491, 492, 493 AND 495. 12

RECEIVED

JUL 18 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

MICROFILMED





Maryland Department of Transportation
State Highway Administration

Hal Kassoff
Administrator

7-7-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County

Item No.: 480 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 7/10/95

DATE: 7/18/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 478

479

480

481

483

484

485

486

487

489

490

491

494

496

revised 467

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 11, 1995

Julius W. Lichter, Esquire
305 West Chesapeake Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #480)
Legal Owner: Gamma Construction, Inc.
Kings Square
14th Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

Advisory: Petitioner should be prepared to demonstrate that density will not be adversely impacted if the area variances are granted.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joe C. Merrey", is written over a circular stamp.

Joseph C. Merrey
Planner I

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner

MICROFILMED



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
Section 5, King's Court known as Kings	*	ZONING COMMISSIONER
Square, NWC Kings Avenue and Franklin	*	
Square Drive, 14th Election Dist.,	*	OF BALTIMORE COUNTY
6th Councilmanic	*	
	*	CASE NO. 95-490-SPHA
Gamma Construction, Inc.	*	
Petitioners	*	

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 1995, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, 305 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

file



**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS**

TOWSON

SENIOR ASSOCIATES

ROBERT B. BARKELL
FREDERICK N. CHADSEY, IV, P.E.
PASQUALE R. CIARLO
ROBERT P. HENRY, P.L.S.
J. STRONG SMITH, P.E.

ASSOCIATES

NICHOLAS J. BRADER, III, P.E.
WALTER H. EISNER, P.L.S.
ROBERT I. HURWITZ, P.E.
DAVID L. MARTIN, I.A.
ROBERT W. MATIS, P.L.S.
BERNT C. PETTERSEN, I.A.
IWONA ROSTEK-ZARSKA, P.E.
RICHARD L. UMBARGER, P.E.

GEORGE WILLIAM STEPHENS, JR.
(1888-1983)

W. HARRY JESSOP, JR., P.L.S.
CHIEF EXECUTIVE OFFICER

CHARLES E. FICK, P.E.
PRESIDENT

LEONARD A. PARRISH, P.E.
VICE PRESIDENT

BEL AIR

SENIOR ASSOCIATES

WAYNE E. MAISENHOLDER, P.L.S.
PAUL W. TAYLOR, P.E.

ASSOCIATES

GERALD P. MARAGOS, P.E. & P.L.S.
JAMES A. MARKEE, P.E.

December 21, 1995

Mr. Timothy Kotroka
Deputy Zoning Commissioner
Baltimore County Maryland

Re: Case No. 95-490-SPHA
"King's Square"

Dear Mr. Kotroka,

Pursuant to our recent conversation I am writing to request a clarification of restriction No. 2 of your order dated August 16, 1995. The purpose of this request is to validate our Client's understanding of the agreements made with the Office of Planning regarding fencing and or landscaping of 2 specific areas on this development.

As the case record indicated, The Baltimore County (JSPC) regulations that applied to this subdivision through its vesting, had no landscaping requirements. Irrespective of that we met with the planning office and made 2 specific agreements that would make the subdivision more attractive to the residents of the adjacent townhouse development and motorists using Franklin Square Drive. These two areas were noted on the Zoning Plat.

In order to facilitate an appropriate review of these issues by the County's Landscape Architect, we are requesting your endorsement of the following conditions:

1. The rear yards of lots 5 through 8 shall be screened with either a uniform style wood fence or a single row of evergreen trees appropriately spaced no more than 15' on center. (This issue was raised by an adjacent property owner at the hearing.)

18773 1001 1001 1001
161101 1001 1001 1001

Mr. Timothy Kotroka
December 21, 1995
Page - 2 -

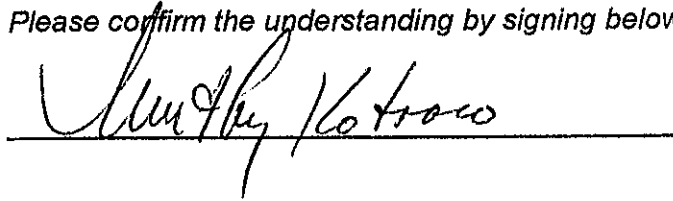
2. The rear yards of lots 1 through 7 which back to Franklin Square Drive shall be screened with a uniform style wood fence and reinforced with major deciduous trees planted at 40' on center. A single row hedge shall also be planted along the base of the fence on the Franklin Square Drive exposure.

We regret any misunderstanding regarding the above, however our understanding of this case and the agreed to landscape items are not in agreement with that of the County's Landscape Architect.

Very Truly yours,


James S. Kline, Planner

Please confirm the understanding by signing below.



A copy of the F.D.P. and Zoning Plat are enclosed for reference.

JSK:elo

Mr. Timothy Kotroka
December 21, 1995
Page - 2 -

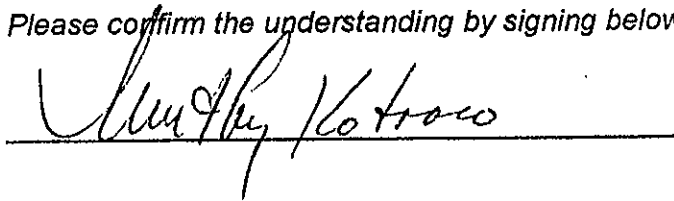
2. The rear yards of lots 1 through 7 which back to Franklin Square Drive shall be screened with a uniform style wood fence and reinforced with major deciduous trees planted at 40' on center. A single row hedge shall also be planted along the base of the fence on the Franklin Square Drive exposure.

We regret any misunderstanding regarding the above, however our understanding of this case and the agreed to landscape items are not in agreement with that of the County's Landscape Architect.

Very Truly yours,


James S. Kline, Planner

Please confirm the understanding by signing below.



A copy of the F.D.P. and Zoning Plat are enclosed for reference.

JSK:elo

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

480

JULIUS W. LICHTER

June 21, 1995

HAND DELIVERED

Arnold Jablon, Director
Zoning Administration & Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

No Violations
Mitch

RE: Petitions For Variance & Special Hearing
Gamma Construction, Inc. - Petitioner

Dear Mr. Jablon:

Please accept the enclosed as a "drop-off" filing. A check for \$970.00 (\$650 for Variance Petition, \$250 for Special Hearing Petition, and \$70 for 2 signs) is also enclosed.

Please note that this filing is not the result of any zoning violations. Also, the plan has been previously reviewed by Mitchell Kellum.

If there are any questions, you may contact me or my Associate, Kathryn May.

Very truly yours,

Julius Lichter

Julius W. Lichter

c.c. Gamma Construction, Inc.
James Kline, G.W. Stephens & Associates, Inc.

PER WCR -
FEE WRONG -
MAX. FEE - 8650
2 SIGNS - 70
8720

JWL/lah

RESIDENTIAL

NEW check brought
6/22/95

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

KATHRYN T. MAY

June 26, 1995

2902-95
4/26/95
To: Gwen
Change + C. + Soph
ELLIS LEVIN (1893-1960)
6/26/95 won
DONE
HA

95-490-SPHA

HAND DELIVERED

Mr. Carl Richards
Baltimore County Zoning Office
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Variance & Special Hearing
Gamma Construction, Inc. - Petitioner
NW Corner of King Avenue & Franklin Square Drive

Dear Carl:

On June 21, 1995, we delivered a "drop-off" Petition for Variance and Petition for Special Hearing on behalf of Gamma Construction, Inc. for property located at the NW corner of King Avenue and Franklin Square Drive. This morning I was informed by the engineer that the word "Development Plan" must be substituted for the word "J.S.P.C. Tentative Plan" on the relief sought in the Petition for Special Hearing.

I visited the Zoning Office this morning and Gwen Stephens was unable to locate the Petition so that I could make the necessary change. Gwen believes that the Petition package may be locked in Sophie's desk, who I understand is on vacation this week.

If you locate this Petition, or upon Sophie's return, please call me so that I can make the referenced change before the Petition is processed by Gwen.

Thanks for your attention to this matter.

Very truly yours,

Katie
Kathryn T. May

c.c. Ms. Gwen Stephens
KTM/lah

RECEIVED

JUN 26 1995

ZADM

MICROFILMED



Petition for Special Hearing

95-490-SPHA

to the Zoning Commissioner of Baltimore County

for the property located at NW corner of King Avenue & Franklin Square Drive

which is presently zoned D.R. - 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a provisory section to Kings Court J.S.P.C. Tentative Plan (Sec. III, Ph. II), (Sec. II, Ph. III), and (Sec. IV), in accordance with §1B01.3.A.b.2 & 3 of the Baltimore County Zoning Regulations, with the intention of establishing the general location, orientation, height, and use of all buildings and the type of major vegetation, screening, and parking areas as shown on the plat accompanying this Petition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Julius W. Lichter, Esq.

(Type or Print Name)

Signature

305 W. Chesapeake Ave. 321-0600

Address Phone No.
Towson, MD 21204

City State Zipcode

Legal Owner(s):

Gamma Construction, Inc.

(Type or Print Name)

Signature

By: Uri Ben-Or, President

(Type or Print Name)

Signature

P.O. Box 68

Address

Phone No.

Reisterstown, MD 21136

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Julius W. Lichter, Esq.

Name

305 W. Chesapeake Ave. 321-0600

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Citizen

PLEASE PRINT CLEARLY

~~BALTIMORE COUNTY REPRESENTATIVES~~
SIGN-IN SHEET

NAME

Nancy Costello

ADDRESS

6 Baltistan Ct 21237



MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JAMES KLINE

JULIUS W. LICHTER

URI BEN-OR

658 KENILWORTH DRIVE 21204

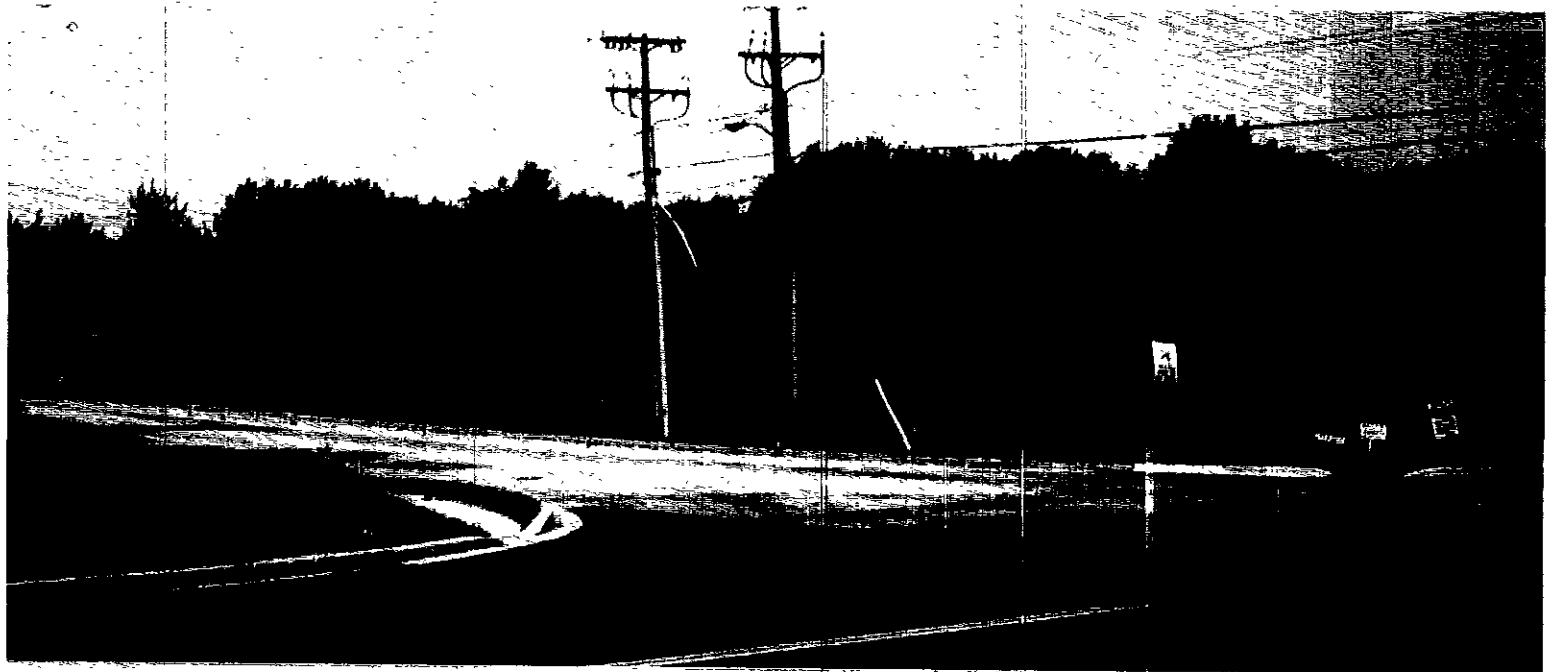
305 CHESAPEAKE AVE 21204

P.O. Box 68 REISTERSTOWN MD 21136

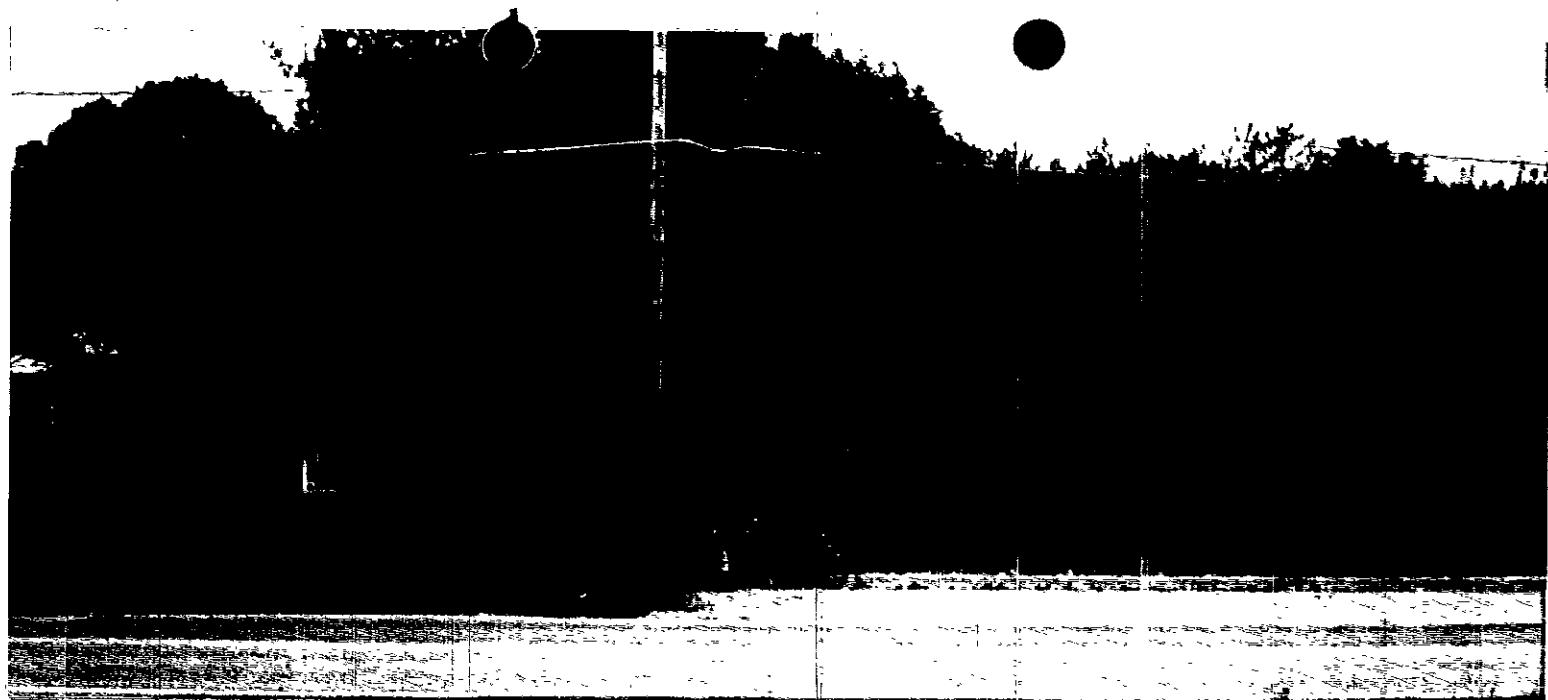


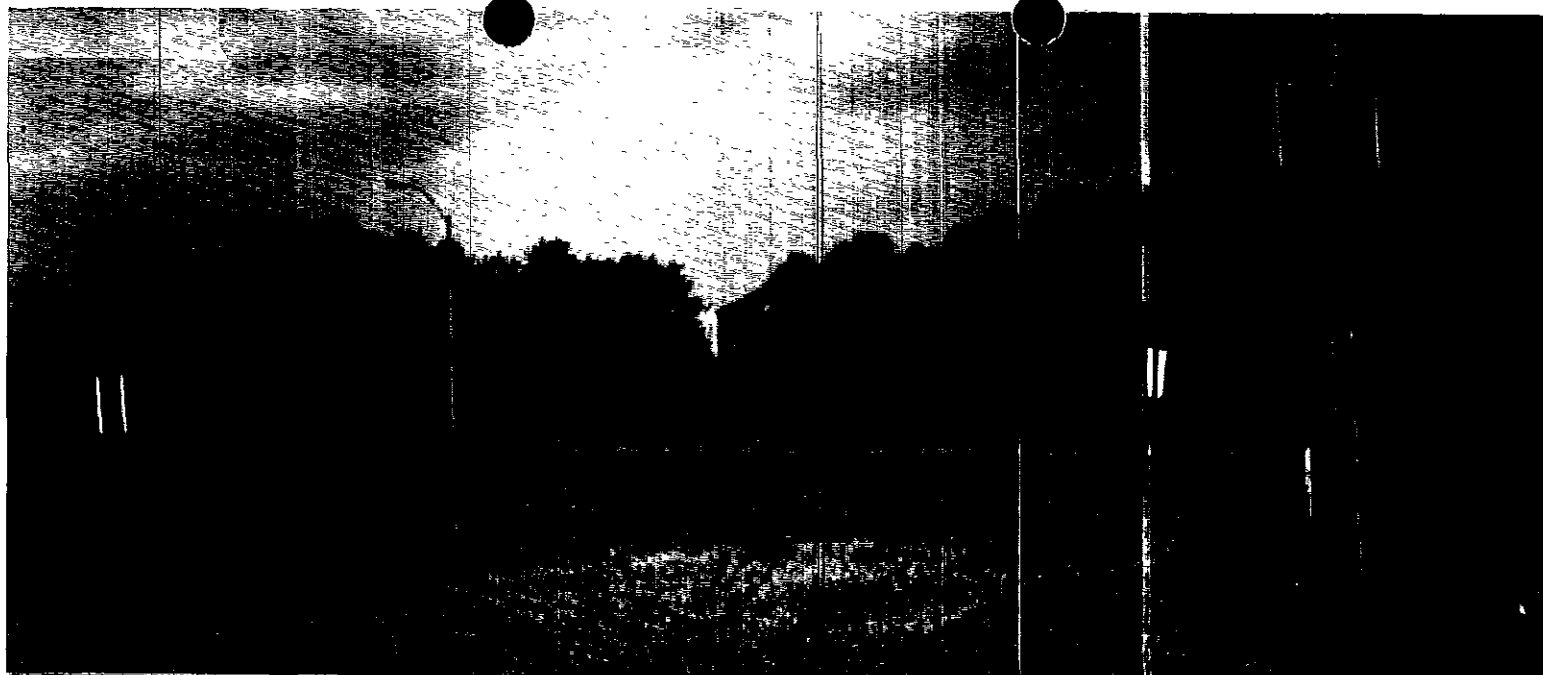
RECEIVED

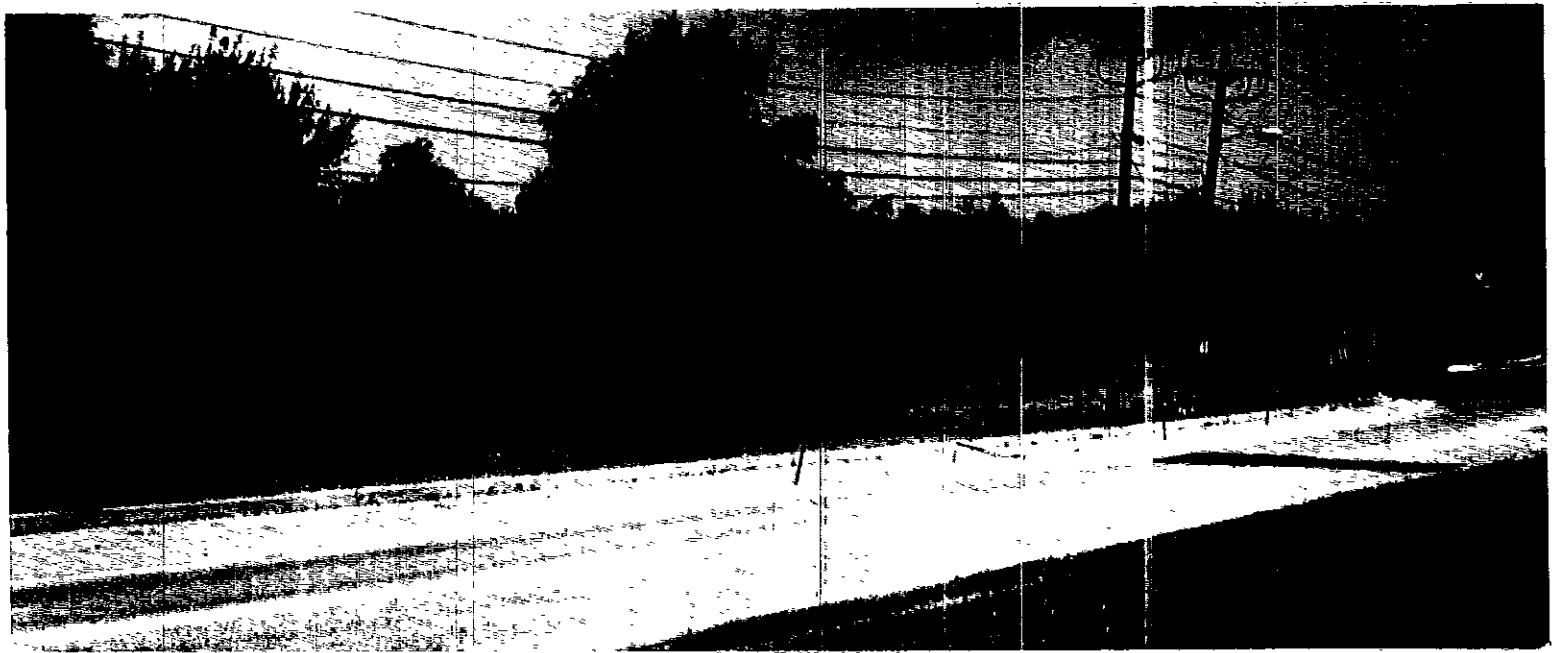
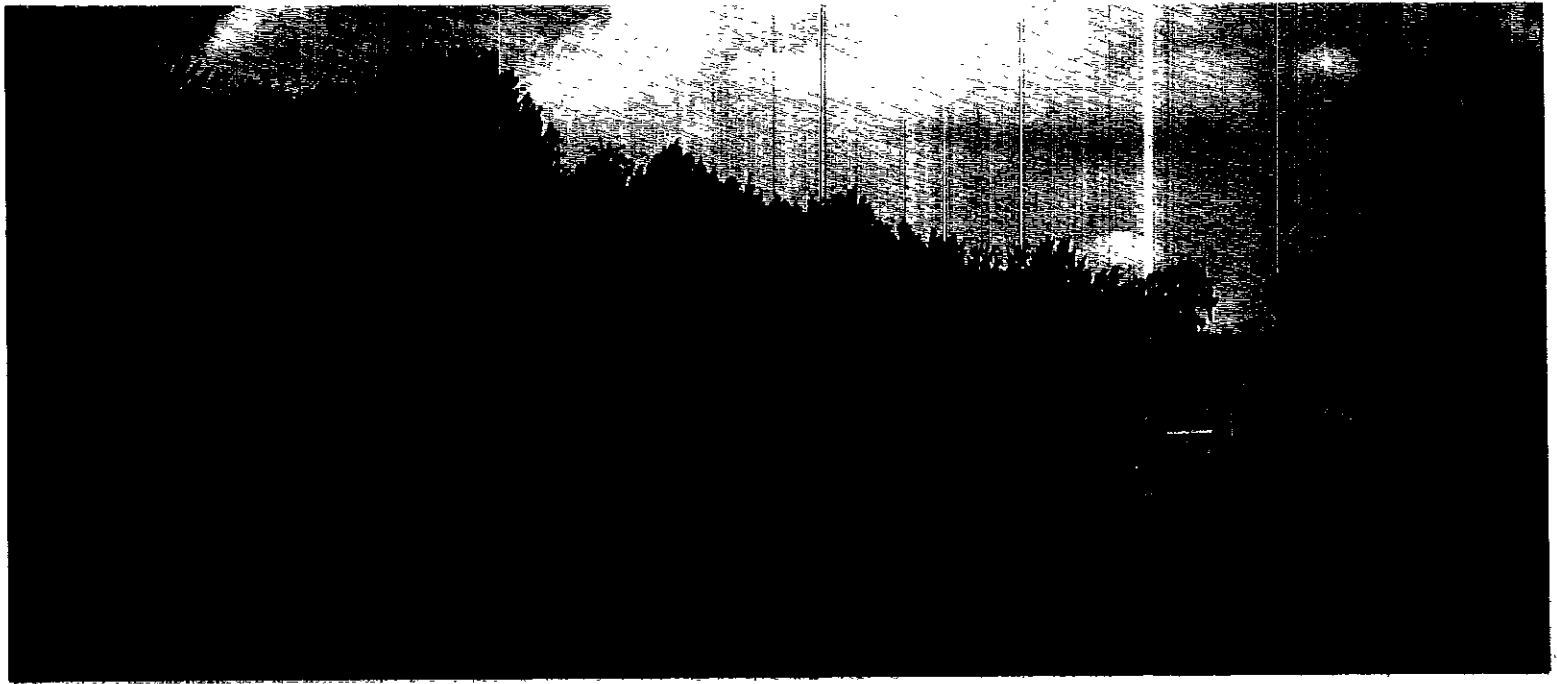
PETITIONER'S EXHIBIT 2

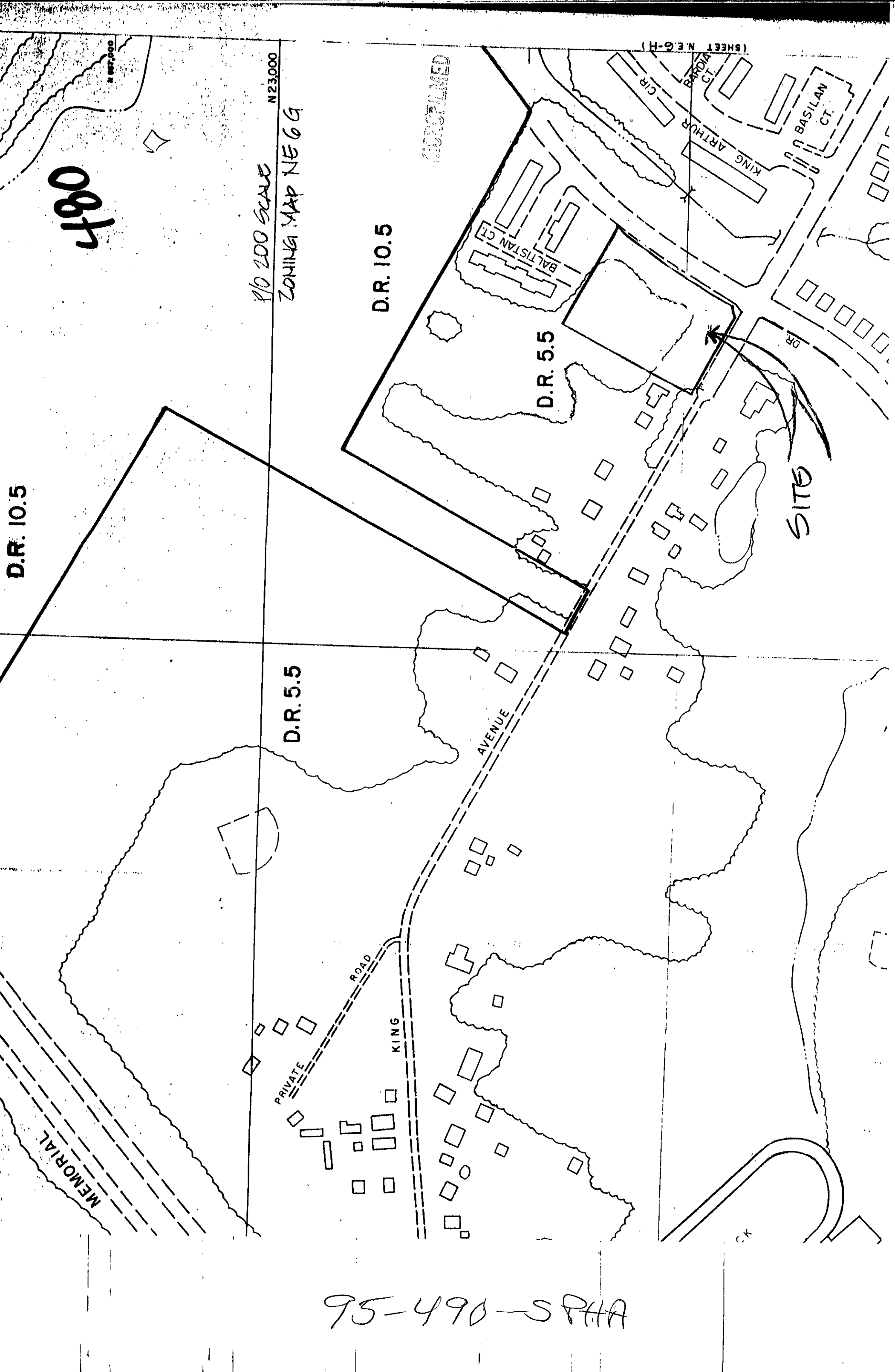












490

1/4" = 200 SCALE
ZONING MAP NE 6 G

D.R. 10.5

D.R. 5.5

SITE

D.R. 5.5

AVENUE

KING

PRIVATE ROAD

MEMORIAL

BALISTAN CT.

KING ARTHUR

BARDIA CT.

BASILAN CT.

NOT RECORDED

(SHEET N.E. 6-H)

95-490-S PHA

1801.1.B.1.a.2

EXDR 55

WILLIAM E. & CHRISTINE L. GOLDEN, JR.
1826, 1757

1801.1.B.1

b. Minimum Area Standards in Residential Transition Areas. In any residential transition area situated as described in the following table, only residential transition uses shall be permitted, and only as indicated:

Collective Designation	Residential Transition Use
Group I uses	One-family detached dwellings Local open space tract or other common amenity open space Use of open space tract or other amenity to the use listed above
Group II uses	One-family detached dwellings Two-family detached dwellings Use of open space tract or other amenity to the use listed above
Group III uses	Group house Group house apartment Use of open space tract or other amenity to the use listed above
Group IV uses	Dwellings, as set forth in the use listed above Local open space tract or other common amenity open space Use of open space tract or other amenity to the use listed above

Group	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Minimum Lot Depth (ft.)	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Minimum Lot Depth (ft.)
Group I	10,000	40	125	10,000	40	125
Group II	15,000	50	150	15,000	50	150
Group III	20,000	60	200	20,000	60	200
Group IV	25,000	75	250	25,000	75	250

VARIANCE REQUESTS

- FROM SEC. 1801.2.C.4 AND CHM.P. (V.B.1) TO PERMIT A MINIMUM LOT SIZE OF 10,000 SQ. FT. IN LIEU OF THE REQUIRED 15,000 SQ. FT. FOR LOTS 1801.2.C.4.1 AND 1801.2.C.4.2.
- FROM SEC. 1801.2.C.4.1 AND CHM.P. (V.B.2) TO PERMIT A DISTANCE BETWEEN BUILDINGS OF 25' IN LIEU OF 30' FOR BUILDINGS OF 25' TO 30' PLUS BETWEEN LOTS 7 AND 8.
- FROM CHM.P. (V.B.3) TO PERMIT A WINDOW TO PROPERTY LINE DISTANCE OF 8' IN LIEU OF 10' FOR LOTS 7 AND 8.
- FROM SEC. 1801.2.C.2.B AND CHM.P. (V.B.6.C) TO PERMIT A DISTANCE OF 16' IN LIEU OF 40' BETWEEN CENTERS OF FACING WINDOWS BETWEEN LOTS 7 AND 8.

PROVIDORY SECTION GENERAL NOTES
1. THIS PROVISIONAL SECTION IS INTENDED TO BE USED TO OBTAIN A PRELIMINARY REVIEW OF THE PROPOSED DEVELOPMENT AND TO ESTABLISH THE LOCATION AND TYPE OF ALL BUILDINGS AND TO ESTABLISH THE LOCATION AND TYPE OF ALL UTILITIES, SCREENING, PARKING AREAS TO THE EXTENT POSSIBLE. THIS LAYOUT HAS BEEN SHOWN FOR THE PURPOSE OF OBTAINING A PRELIMINARY REVIEW OF THE PROPOSED DEVELOPMENT AND TO ESTABLISH THE LOCATION AND TYPE OF ALL BUILDINGS AND TO ESTABLISH THE LOCATION AND TYPE OF ALL UTILITIES, SCREENING, PARKING AREAS TO THE EXTENT POSSIBLE. THIS LAYOUT HAS BEEN SHOWN FOR THE PURPOSE OF OBTAINING A PRELIMINARY REVIEW OF THE PROPOSED DEVELOPMENT AND TO ESTABLISH THE LOCATION AND TYPE OF ALL BUILDINGS AND TO ESTABLISH THE LOCATION AND TYPE OF ALL UTILITIES, SCREENING, PARKING AREAS TO THE EXTENT POSSIBLE.

PLAT TO ACCOMPANY
A ZONING PETITION
FOR A SPECIAL HEARING
TO ESTABLISH THIS PLAN
AS A PROVISIONAL SECTION
TO 'KINGS COURT' (SEC. II, PH. III) & (SEC. IV).

PETITIONER'S
EXHIBIT NO. 3

PLAT TO ACCOMPANY
A ZONING PETITION
FOR VARIANCES
SECT. 5 KING'S COURT
KNOW AS
'KINGS SQUARE'
BALTO. CO. MD
DATE: JUNE 7, 1993
ELECT. DIST. 14
COUNCIL DIST. 10



NOTE
1. See Overall Outline & Density Plat 36/19
2. J.S.P.C. TENTATIVE PLAN VESTED ZONING REG'S PER BIL. 70-100

AREA NET = 2.01 AC

OWNER
GAMMA CONSTRUCTION CO. INC.
P.O. BOX 63
REISTERSTOWN, MD 21136

ENTIRE 'KINGS COURT' DEV. EX. 55

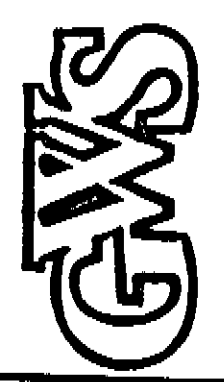
NO. OF LOTS	MINIMUM LOT AREA (sq. ft.)	MINIMUM LOT WIDTH (ft.)	MINIMUM LOT DEPTH (ft.)	MINIMUM LOT AREA (sq. ft.)	MINIMUM LOT WIDTH (ft.)	MINIMUM LOT DEPTH (ft.)
1	10,000	40	125	10,000	40	125
2	15,000	50	150	15,000	50	150
3	20,000	60	200	20,000	60	200
4	25,000	75	250	25,000	75	250
5	30,000	90	300	30,000	90	300
TOTAL	100,000	300	1000	100,000	300	1000

ENTIRE 'KINGS COURT'

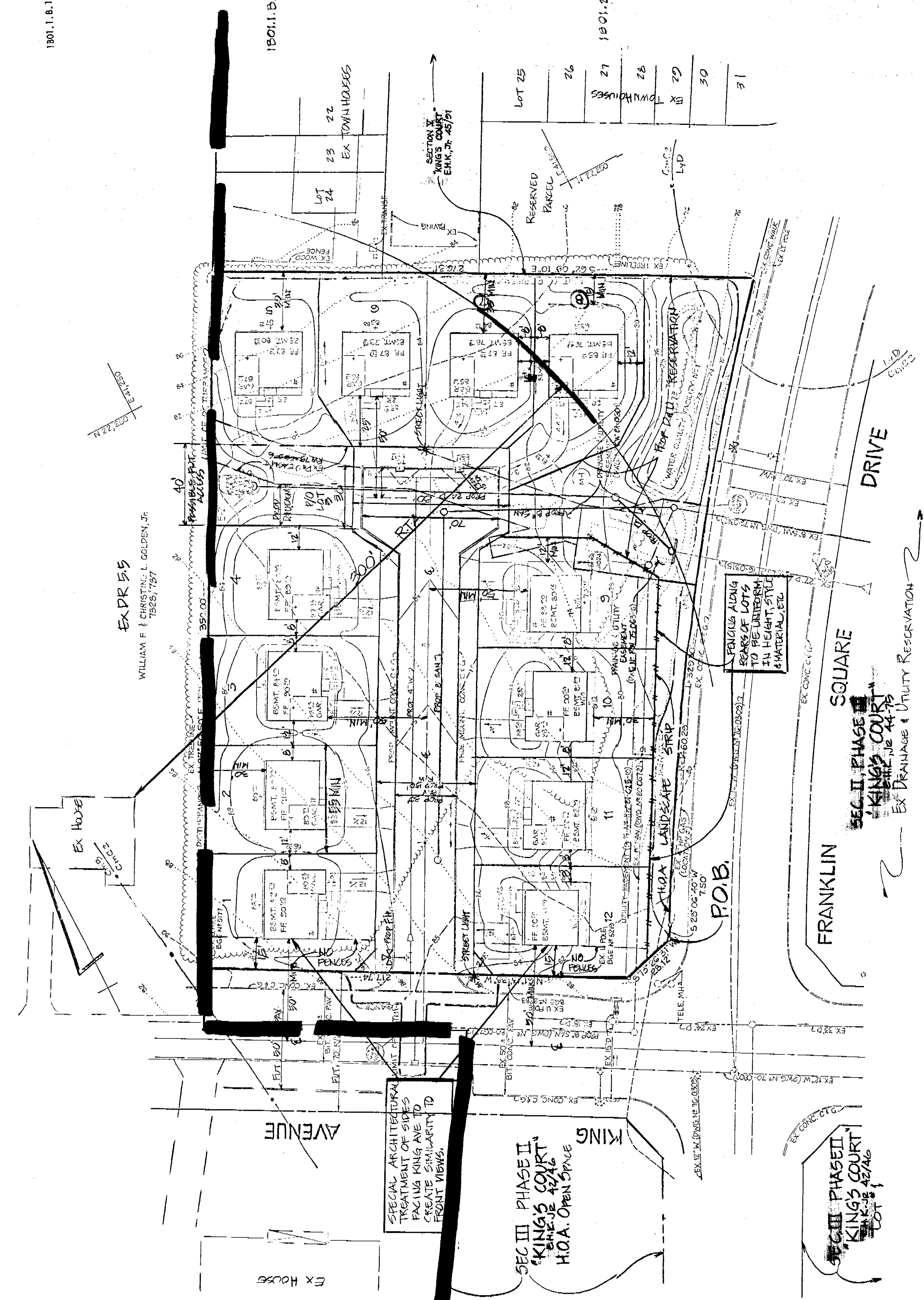
Zone	Area	Units
RES-5	1.0474	1016
RES-6	1.0474	1016
SUB TOTAL	2.0948	2032
DRIVE	0.0011	10
BLVD (1/4)	0.0011	10
SUB TOTAL	2.0970	2052
GRAND TOTAL	2.1453	2102

NOTE:
PIZZA HUT NOW EXISTING AND MAY REDUCE G.T. TO 145,535

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
655 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 325-8120



J.S. KING



14th DE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - NW Corner King Avenue * DEPUTY ZONING COMMISSIONER
and Franklin Square Drive (Section V of King's Court, aka King's Square)
14th Election District * OF BALTIMORE COUNTY
6th Councilmanic District * Case No. 95-490-SPHA
Gamma Construction, Inc.
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as Section V of King's Court, also known as King's Square, located in the vicinity of Essex Community College in White Marsh. The Petitions were filed by the owner of the property, Gamma Construction, Inc., by Uri Ben-Or, President, through their attorney, Julius W. Lichter, Esquire. The Petitioner requests a special hearing to approve a provisory section to the Kings Court Development Plan, Section III, Phase II, and Section II, Phase III, and Section IV, pursuant to Sections 1B01.3.A.b.2 and 3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to establish the final location, orientation, height, and use of all buildings and type of major vegetation, screening and parking areas in accordance with that shown on the plat accompanying this Petition. In addition to the special hearing relief sought, the Petitioner seeks variance relief from the B.C.Z.R. and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.4 of the B.C.Z.R. and Section V.B.1 of the C.M.D.P. to permit a minimum lot size of 4,670 sq.ft. in lieu of the required 5,700 sq.ft. for Lots 1 thru 7, and 8 thru 12; from Section 1B01.2.A.2.C.1 of the B.C.Z.R. and Section V.B.3 of the C.M.D.P. to permit a distance between buildings of 16 feet in lieu of the required 25 feet or 30 feet for buildings 25- to

30-foot in height, plus, between Lots 7 and 8; from Section V.B.6.b of the C.M.D.P. to permit a window to property line distance of 8 feet in lieu of the required 15 feet for Lots 7 and 8; and from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a distance of 16 feet in lieu of the required 40 feet between centers of facing windows for Lots 7 and 8. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Uri Ben-Or, President of Gamma Construction, Inc., property owner, James Kline, Professional Engineer with George W. Stephens, Jr. and Associates, Inc., and Julius W. Lichter, Esquire, attorney for the Petitioner. Appearing as an interested party was Nancy Costello, a nearby resident of the area. There were no Protestants present.

Testimony and evidence offered revealed that the property which is the subject of these requests consists of 2.0143 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The property is part of a larger 220-acre parcel, known as King's Court, which has been developed over the years since the 1970s. The Petitioner is desirous of developing the subject site with 12 single family homes in accordance with Petitioner's Exhibit 1. Testimony indicated the design of the proposed homes is in character and keeping with other homes throughout this community. Due to the size of the property and the layout of the proposed lots, the requested variances are necessary in order to develop the site as proposed.

As noted above, Ms. Nancy Costello appeared as an interested party. Ms. Costello is concerned about screening around the proposed development and the utilization of an open field between the proposed develop-

ment and the existing townhouses in her community. Ms. Costello testified that children from her development play in this open field and she would like to see this area remain undeveloped. Furthermore, Ms. Costello believes landscaping is necessary in order to buffer this community from Franklin Square Drive. Ms. Costello's position is echoed in the Zoning Plans Advisory Committee (ZAC) comments submitted by both the Office of Planning and Zoning and the Department of Public Works. Therefore, as a condition of approval, I will require that a landscape plan be submitted to the Landscape Architect for Baltimore County for review and approval prior to the issuance of any building permits. The landscape plan should take into consideration the concerns raised over the visual impact of the proposed development on Franklin Square Drive and the adjacent townhouse community.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Lovola Federal Savings and Loan Association v. Buschman, 229 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Lovola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Ches-

apeake Beach, 22 Md. App. 26, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Petitioner has in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the special hearing and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of August, 1995 that the Petition for Special Hearing to approve a provisory section to the Kings Court Development Plan, Section III, Phase II, and Section II, Phase III, and Section IV, pursuant to Section 1B01.3.A.b.2 and 3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to establish the final location, orientation, height, and use of all buildings and type of major vegetation, screening, and parking areas for this development, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.4 of the B.C.Z.R. and Section V.B.1 of the C.M.D.P. to permit a minimum lot size of 4,670 sq.ft. in lieu of the required 5,700 sq.ft. for Lots 1 thru 7, and 8 thru 12; from Section 1B01.2.A.2.C.1 of the B.C.Z.R. and Section V.B.3 of the

C.M.D.P. to permit a distance between buildings of 16 feet in lieu of the required 25 feet or 30 feet between buildings 25 to 30 feet in height, plus, for Lots 7 and 8; from V.B.6.b of the C.M.D.P. to permit a window to property line distance of 8 feet in lieu of the required 15 feet for Lots 7 and 8; and from Section 1B01.2.C.2.b of the B.C.Z.R. and V.B.6.c of the C.M.D.P. to permit a distance of 16 feet in lieu of the required 40 feet between centers of facing windows for Lots 7 and 8, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any building permits, the Petitioner shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County. Said plan shall take into consideration landscaping needs along Franklin Square Drive and between the proposed single family development and the adjacent townhouse community.
- 3) When applying for building permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 16, 1995

(410) 887-4386

Julius W. Lichter, Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
NW/Corner King Avenue and Franklin Square Drive
(Section V King's Court, aka King's Square)
14th Election District - 6th Councilmanic District
Gamma Construction, Inc. - Petitioner
Case No. 95-490-SPHA

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Uri Ben-Or, President
Gamma Construction, Inc., P.O. Box 68, Reisterstown, Md. 21136

Ms. Nancy Costello
6 Baltistan Court, Baltimore, Md. 21237

People's Counsel

File



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at NW corner of King Avenue & Franklin Square Drive
which is presently zoned D.R. - 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a provision to Kings Court Development Plan (Sec. III, Ph. II), (Sec. II, Ph. II), and (Sec. IV), in accordance with §1801.3.A.b.2 & 3 of the Baltimore County Zoning Regulations, with the intention of establishing the general location, orientation, height, and use of all buildings and the type of major vegetation, screening, and parking areas as shown on the plat accompanying this Petition.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:
Gamma Construction, Inc.
(Type or Print Name)
Signature: *[Signature]*
Address:
City: State: Zipcode:
Attorney for Petitioner:
Julius W. Lichter, Esq.
(Type or Print Name)
Signature: *[Signature]*
Address: 305 W. Chesapeake Ave. 321-0600
Towson, MD 21204
City: State: Zipcode:
Date: 6/22/95
By: *[Signature]*
DROP-OFF
No REVIEW
6/22/95
KAR



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at NW corner of King Avenue & Franklin Square Drive
which is presently zoned DR - 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.2.C.4 and C.M.D.P. (V.B.1) to permit a minimum lot size of 4,670 s.f. in lieu of the required 5,700 s.f. for lots 1 thru 7 and 8 thru 12; from Sec. 1801.2.A.2C1 and C.M.D.P. (V.B.3) to permit a distance between buildings of 16' in lieu of 25' or 30' for buildings of 25' to 30' plus between lots 7 and 8; (Continued - SEE ATTACHED)

Shape of the lot and other reasons to be presented at the public hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:
Gamma Construction, Inc.
(Type or Print Name)
Signature: *[Signature]*
Address:
City: State: Zipcode:
Attorney for Petitioner:
Julius W. Lichter, Esq.
(Type or Print Name)
Signature: *[Signature]*
Address: P. O. Box 68
Reisterstown, MD 21136
City: State: Zipcode:
Name: Julius W. Lichter, Esq.
Address: 305 W. Chesapeake Ave. 321-0600
Towson, MD 21204
City: State: Zipcode:
Date: 6/22/95
By: *[Signature]*
DROP-OFF
No REVIEW
6/22/95
KAR

Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at NW corner of King Avenue & Franklin Square Drive

Continued:

From C.M.D.P. (V.B.6.b.) to permit a window to property line distance of 8' in lieu of 15' for lots 7 and 8;

From Sec. 1801.2C.2b and C.M.D.P. (V.B.6.c.) to permit a distance of 16' in lieu of 40' between centers of facing windows between lot 7 and 8.

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Plat to Accompany a
Zoning Petition.

June 12, 1995
RE: "Kings Square"

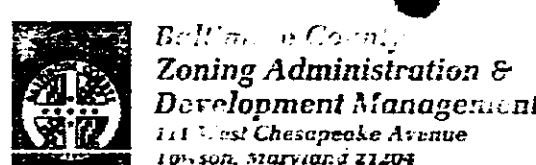
Beginning at a point located on the west side of Franklin Square Drive where the
gusset line of the north side of King Avenue intersects, thence in a clockwise direction:
1 - South 73° 28' 31" West 28.12 feet
2 - North 61° 13' 38" West 217.74 feet
3 - North 27° 50' 50" East 350.00 feet
4 - South 62° 09' 10" East 276.3 feet
5 - A curve to the left having a radius of 1460.29 feet, a length of 329.30 feet and a
chord South 34° 34' 17" West 328.60 feet, and
6 - South 28° 06' 40" West 7.50 feet to the place of beginning.
Containing 2.0143 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED IN
CONVEYANCES OR AGREEMENTS)



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: Special Hearing - Variance
Posted for: Gamma Construction, Inc.
Petitioner: Gamma Construction, Inc.
Location of property: Kings Square - NW corner of King Ave. & Franklin Square Drive
Location of Sign: 111 W. Chesapeake Avenue, Towson, Maryland 21204
Remarks: Drop-off
Posted by: [Signature] Date of return: 7/1/95
Number of Signs: 1



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-490-SPHA

Date: 6/22/95
Account: R 001 6150
Number: 480 (VFR)
DROP OFF - NO REVIEW
#010 - RESIDENTIAL VARIANCES
#030 - RESIDENTIAL SPECIAL HEARINGS
#070 - MAXIMUM OF ABOVE \$650.00
#080 - SIGNS - 2 70.00
TOTAL \$720.00

Gamma Construction, Inc.
Kings Square
District: 1466
Acreage: 2.0143 +/- acres
Attorney: Julius W. Lichter
Check from Levin & Gann
03A03#0033M1C4FC \$720.00
BA C00P#044806-23-95
Please Make Checks Payable To: Baltimore County

Cashier Validation

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 14, 1995
THIS IS TO CERTIFY that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on July 13, 1995

THE JEFFERSONIAN,
LEGAL AD. - TOWSON
[Signature]

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Variance to Kings Court Development Plan (Sec. III, Ph. II), (Sec. II, Ph. II), and (Sec. IV), in accordance with §1801.3.A.b.2 & 3 of the Baltimore County Zoning Regulations, with the intention of establishing the general location, orientation, height, and use of all buildings and the type of major vegetation, screening, and parking areas as shown on the plat, Variance to permit a minimum lot size of 4,670 square feet in lieu of the required 5,700 square feet for lots 1 thru 7 and 8 thru 12; to permit a distance between buildings of 16 feet in lieu of 25 feet or 30 feet for buildings of 25 feet to 30 feet plus between lots 7 and 8; and to permit a window to property line distance of 8 feet in lieu of 15 feet for lots 7 and 8; and to permit a distance of 16 feet in lieu of 40 feet between centers of facing windows between lot 7 and 8.

Case #95-490-SPHA (Item 480)
Section 5, King's Court known as Kings Square
NW Kings Avenue and Franklin Square Drive
14th Election District

On Certificate
Legal Owner(s):
Gamma Construction, Inc.
Hearing: Wednesday,
August 2, 1995 at 11:00
a.m. in Rm. 106, County Office Building.

Special Hearing to establish the general location, orientation, height, and use of all buildings and the type of major vegetation, screening, and parking areas as shown on the plat, Variance to permit a minimum lot size of 4,670 square feet in lieu of the required 5,700 square feet for lots 1 thru 7 and 8 thru 12; to permit a distance between buildings of 16 feet in lieu of 25 feet or 30 feet for buildings of 25 feet to 30 feet plus between lots 7 and 8; and to permit a window to property line distance of 8 feet in lieu of 15 feet for lots 7 and 8; and to permit a distance of 16 feet in lieu of 40 feet between centers of facing windows between lot 7 and 8.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are held on Wednesdays at 11:00 a.m. in Room 106 of the County Office Building. (2) For information concerning the filing and/or hearing, please call 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 480

Petitioner: Gamma Construction, Inc.

Location: NW corner of King Avenue & Franklin Square Drive

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mr. Uri Ben-Or / GAMMA Construction, Inc.

ADDRESS: P. O. Box 68

Reisterstown, MD 21136

PHONE NUMBER: c/o 321-0600 (Julius Lichter)

AJ:eggs

(Revised 04/09/93)

ITEM 480

TO: PUTNEY PUBLISHING COMPANY
July 13, 1995 Issue - Jeffersonian

Please forward billing to:

Uri Ben-Or
Gamma Construction, Inc.
P. O. Box 68
Reisterstown, MD 21136
321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-490-SPHA (Item 480)
Section 5, King's Court known as Kings Square
NW Kings Avenue and Franklin Square Drive
Legal Owner(s): Gamma Construction, Inc.
HEARING: WEDNESDAY, AUGUST 2, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Hearing to establish the general location, orientation, height, and use of all buildings and the type of major vegetation, screening, and parking areas as shown on the plat. Variance to permit a minimum lot size of 4,670 square feet in lieu of the required 5,700 square feet for lots 1 thru 7 and 8 thru 12; to permit a distance between buildings of 16 feet in lieu of 25 feet or 30 feet for buildings of 25 feet to 30 feet plus between lots 7 and 8; and to permit a window to property line distance of 8 feet in lieu of 15 feet for lots 7 and 8; and to permit a distance of 16 feet in lieu of 40 feet between centers of facing windows between lot 7 and 8.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HELD ON WEDNESDAYS. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-490-SPHA (Item 480)
Section 5, King's Court known as Kings Square
305 W. Chesapeake Avenue and Franklin Square Drive
Legal Owner(s): Gamma Construction, Inc.
HEARING: WEDNESDAY, AUGUST 2, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Hearing to establish the general location, orientation, height, and use of all buildings and the type of major vegetation, screening, and parking areas as shown on the plat.
Variance to permit a minimum lot size of 4,670 square feet in lieu of the required 5,700 square feet for lots 1 thru 7 and 8 thru 12; to permit a distance between buildings of 16 feet in lieu of 25 feet or 30 feet for buildings of 25 feet to 30 feet plus between lots 7 and 8; to permit a window to property line distance of 8 feet in lieu of 15 feet for lots 7 and 8; and to permit a distance of 16 feet in lieu of 40 feet between centers of facing windows between lot 7 and 8.

Carl Jablon

Arnold Jablon
Director
Department of Permits and Development Management

cc: Gamma Construction, Inc.
Julius W. Lichter, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 27, 1995

Julius W. Lichter, Esquire
305 W. Chesapeake Ave.
Towson, Maryland 21204

RE: Item No.: 480
Case No.: 95-490-SPHA
Petitioner: Gamma Construction Co.

Dear Mr. Lichter:

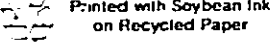
The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 22, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: July 25, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: Kings Square

INFORMATION:

Item Number: 480
Petitioner: Gamma Construction Company
Property Size:
Zoning: DR-5.5
Requested Action: Special Hearing & Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The proposed Kings Square development of 12 single-family dwellings is in compliance with the Master Plan and the Perry Hall-White Marsh Plan. As indicated on the development plan, the lots along Franklin Square Drive shall have uniform fencing and shall be well landscaped. In addition, the sides of the dwellings along King Avenue shall be architecturally designed similarly to the fronts of the dwellings.

Prepared by: *Jeffrey W. Lutz*
Division Chief: *Carol L. Kern*
PK/JL

ITEM480/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 24, 1995
Zoning Administration and Development Management

FROM: *Robert W. Bowling, P.E.*, Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for July 17, 1995
Item No. 480

The Development Plans Review Division has reviewed the subject zoning item. This proposal is subject to the Landscape Manual. The fencing and H.O.A. landscape strip noted on the petition plan will be included on the final landscape plan.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-5500

DATE: 07/13/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JULY 10, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 478, 479, 480, 481, 482, 484, 487, 488, 490, 491, 492, 493 AND 495.

RECEIVED
JUL 19 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F



Printed on Recycled Paper

Maryland Department of Transportation
State Highway Administration

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 480 (WCR)

7-7-95

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 7/13/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 7/10/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 478
479
480
481
483
484
485
486
487
489
490
491
494
496
revised 467

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 11, 1995

Julius W. Lichter, Esquire
305 West Chesapeake Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #480)
Legal Owner: Gamma Construction, Inc.
Kings Square
14th Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

Advisory: Petitioner should be prepared to demonstrate that density will not be adversely impacted if the area variances are granted.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

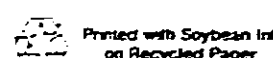
Very truly yours,

Joseph C. Merrey
Joseph C. Merrey
Planner I

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner



Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
Section 5, King's Court known as Kings
Square, NWC Kings Avenue and Franklin
Square Drive, 14th Election Dist.,
6th Councilmanic
Gamma Construction, Inc.
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2186

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 1995, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, 305 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

TOWSON
SENIOR ASSOCIATES
ROBERT E. BARKER
JENNIFER N. CHAPMAN, P.E.
MICHAEL E. GARDI
ROBERT F. HENDERSON, P.E.
J. STEVEN SMITH, P.E.
ASSOCIATE
NICHOLAS J. BRADY, III, P.E.
WALTER F. FISHER, P.E.
ROBERT L. HUNTER, P.E.
DAVID L. MARTIN, L.A.
ROBERT W. MATH, P.E.
BRYAN C. PEIRCE, L.A.
FRANK ROTHENBERG, P.E.
ROBERT L. VANDERBILT, P.E.



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS
1014 W. BALTIMORE STREET, JR.
(1984-1985)
W. HARRY JONES, JR., P.E.
CHIEF CONSULTING OFFICE
CHARLES E. FICK, P.E.
HARRIS
LAVARO A. PARRINO, P.E.
V.P. PROJECT

December 21, 1995

Mr. Timothy Kotroka
Deputy Zoning Commissioner
Baltimore County Maryland

Re: Case No. 95-490-SPHA
"King's Square"

Dear Mr. Kotroka,

Pursuant to our recent conversation I am writing to request a clarification of restriction No. 2 of your order dated August 16, 1995. The purpose of this request is to validate our Client's understanding of the agreements made with the Office of Planning regarding fencing and/or landscaping of 2 specific areas on this development.

As the case record indicated, The Baltimore County (USPC) regulations that applied to this subdivision through its vesting, had no landscaping requirements. Irrespective of that we met with the planning office and made 2 specific agreements that would make the subdivision more attractive to the residents of the adjacent townhouse development and motorists using Franklin Square Drive. These two areas were noted on the Zoning Plat.

In order to facilitate an appropriate review of these issues by the County's Landscape Architect, we are requesting your endorsement of the following conditions:

1. The rear yards of lots 5 through 8 shall be screened with either a uniform style wood fence or a single row of evergreen trees appropriately spaced no more than 15' on center. (This issue was raised by an adjacent property owner at the hearing.)

TOWSON: 654 KENILWORTH DRIVE • SUITE 100 • TOWSON, MARYLAND • 21204 • (410) 825-8120 • FAX (410) 583-0288
BAL AIR: 305 EAST BROADWAY • BAL AIR, MARYLAND • 21014 • (410) 879-1500 • (410) 888-0300 • FAX (410) 893-1125

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-339-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

480

JULIUS W. LICHTER

June 21, 1995

HAND DELIVERED

Arnold Jablon, Director
Zoning Administration & Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petitions for Variance & Special Hearing
Gamma Construction, Inc. - Petitioner

Dear Mr. Jablon:

Please accept the enclosed as a "drop-off" filing. A check for \$970.00 (\$650 for Variance Petition, \$250 for Special Hearing Petition, and \$70 for 2 signs) is also enclosed.

Please note that this filing is not the result of any zoning violations. Also, the plan has been previously reviewed by Mitchell Kellum.

If there are any questions, you may contact me or my Associate, Kathryn May.

Very truly yours,

Julius W. Lichter
Julius W. Lichter

c.c. Gamma Construction, Inc.
James Kline, G.W. Stephens & Associates, Inc.

JWL/lah

PER WCR -
FEE WRONG -
MAX. FEE - \$650
2 SIGNS - 70
RESIDENTIAL
NEW check brought
6/22/95

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-339-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

June 26, 1995

HAND DELIVERED

Mr. Carl Richards
Baltimore County Zoning Office
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Variance & Special Hearing
Gamma Construction, Inc. - Petitioner
NW Corner of King Avenue & Franklin Square Drive

Dear Carl:

On June 21, 1995, we delivered a "drop-off" Petition for Variance and Petition for Special Hearing on behalf of Gamma Construction, Inc. for property located at the NW corner of King Avenue and Franklin Square Drive. This morning I was informed by the engineer that the word "Development Plan" must be substituted for the word "J.S.P.C. Tentative Plan" on the relief sought in the Petition for Special Hearing.

I visited the Zoning Office this morning and Gwen Stephens was unable to locate the Petition so that I could make the necessary change. Gwen believes that the Petition package may be locked in Sophie's desk, who I understand is on vacation this week.

If you locate this Petition, or upon Sophie's return, please call me so that I can make the referenced change before the Petition is processed by Gwen.

Thanks for your attention to this matter.

Very truly yours,

Kathryn T. May
Kathryn T. May

c.c. Ms. Gwen Stephens
KTM/lah

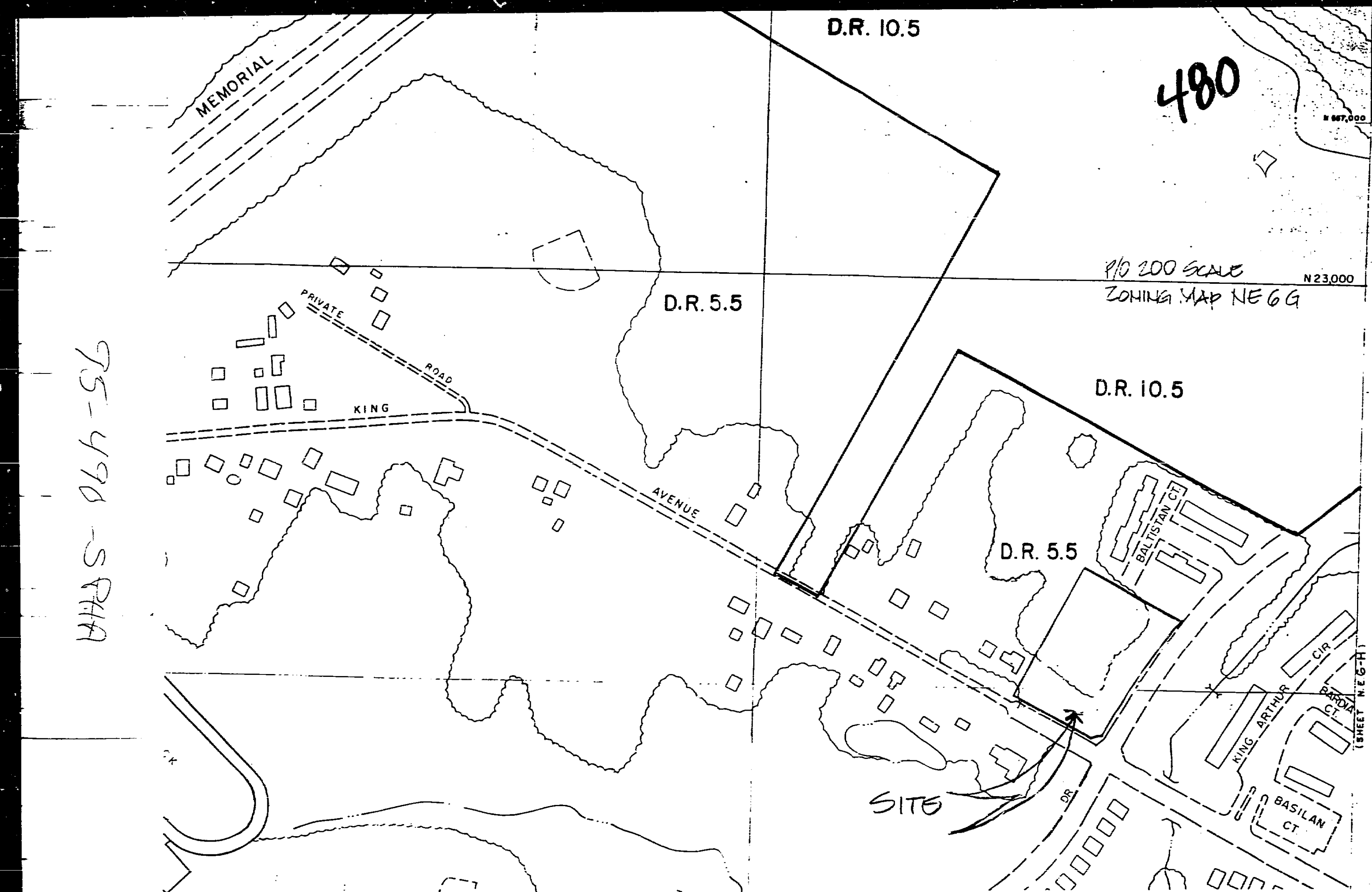
RECEIVED
JUN 26 1995
ZADM

PLEASE PRINT CLEARLY
BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

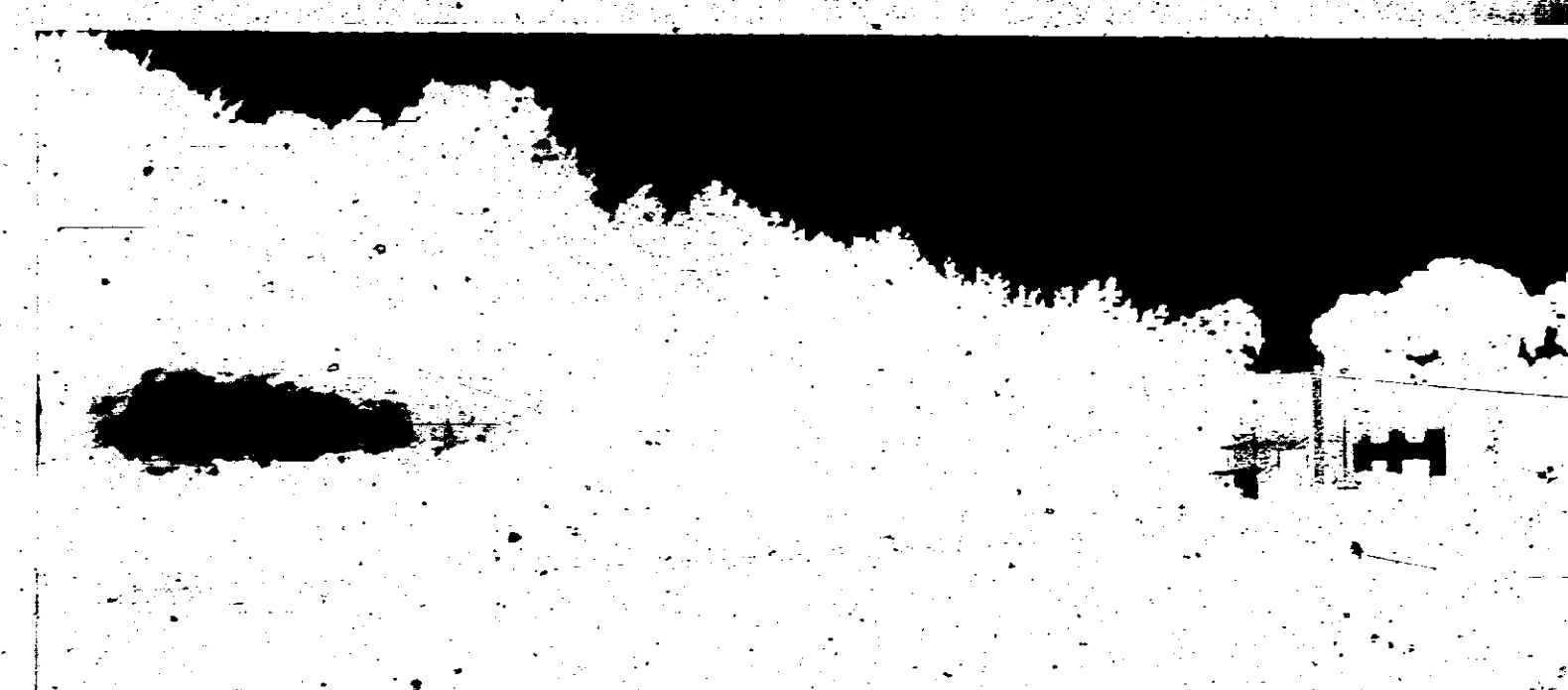
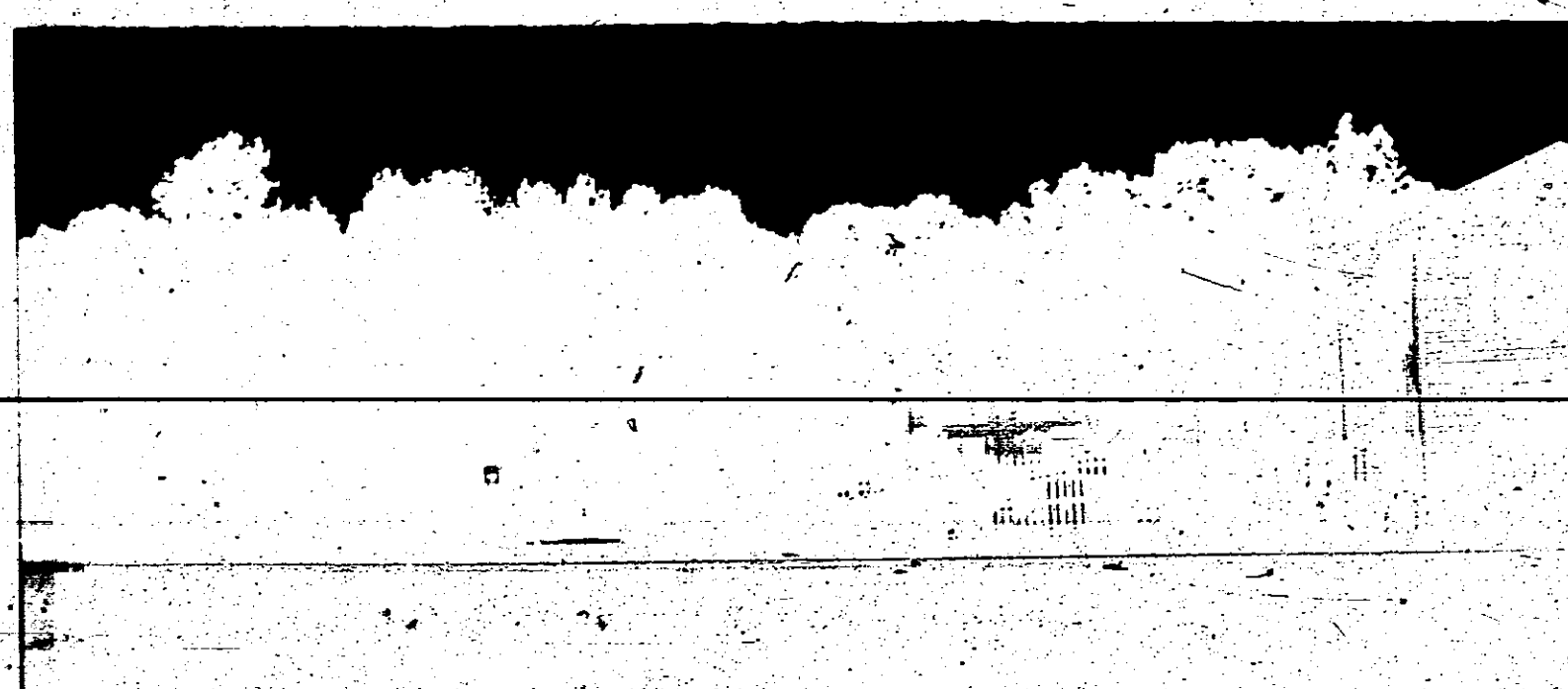
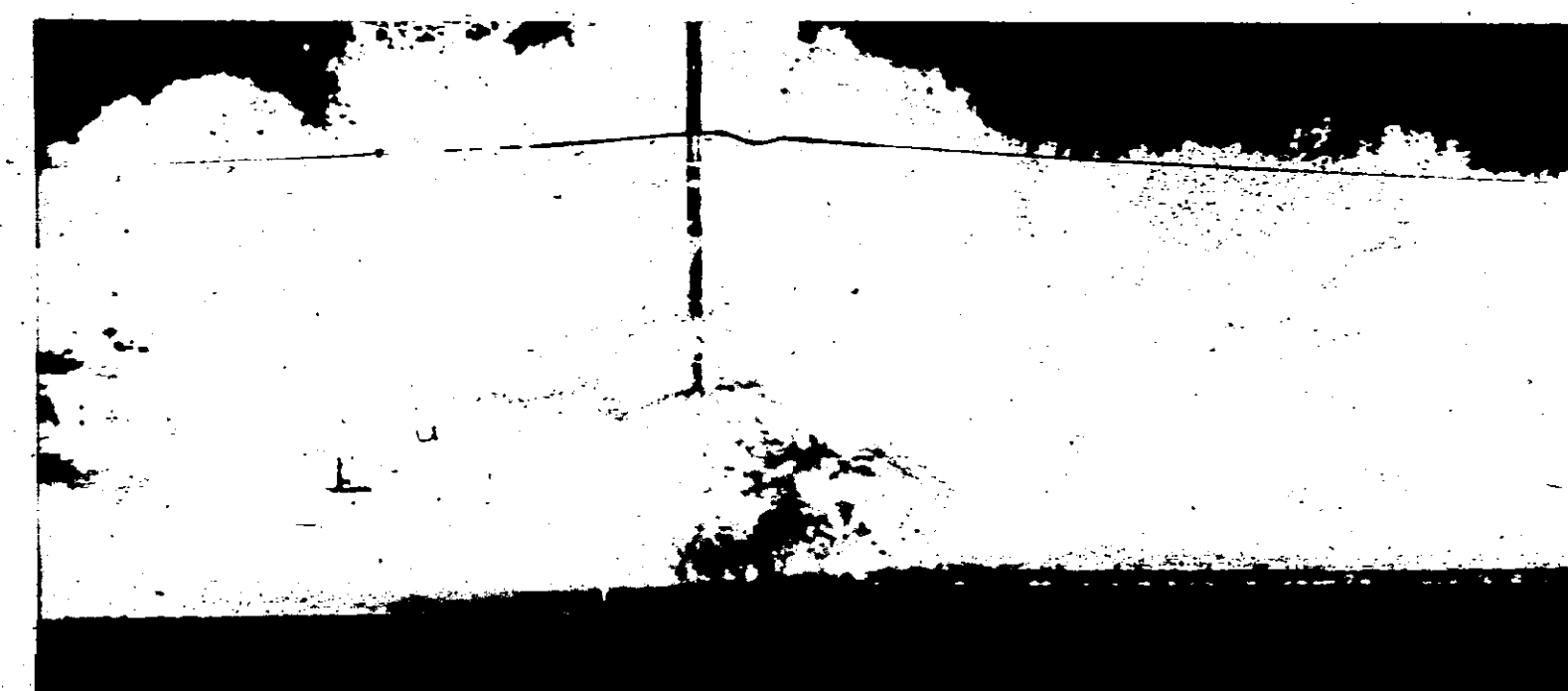
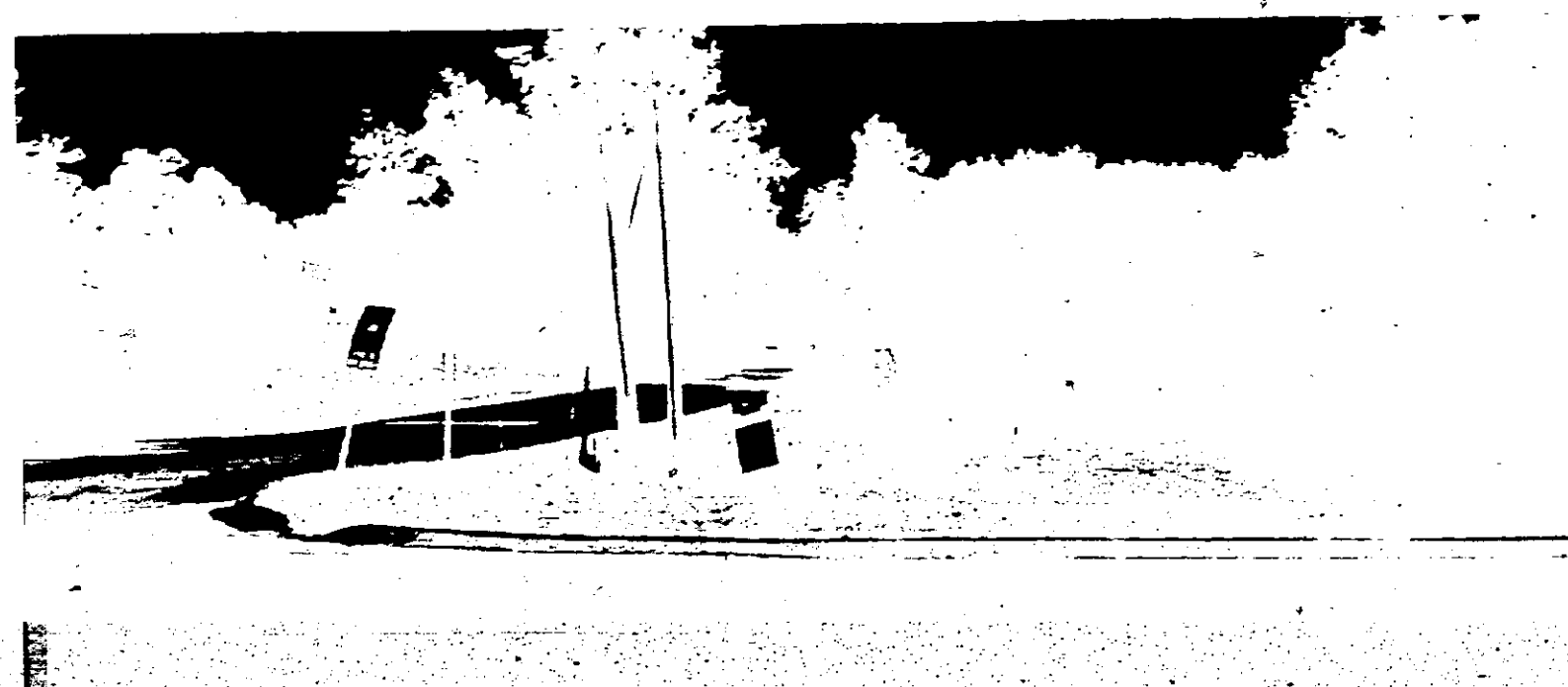
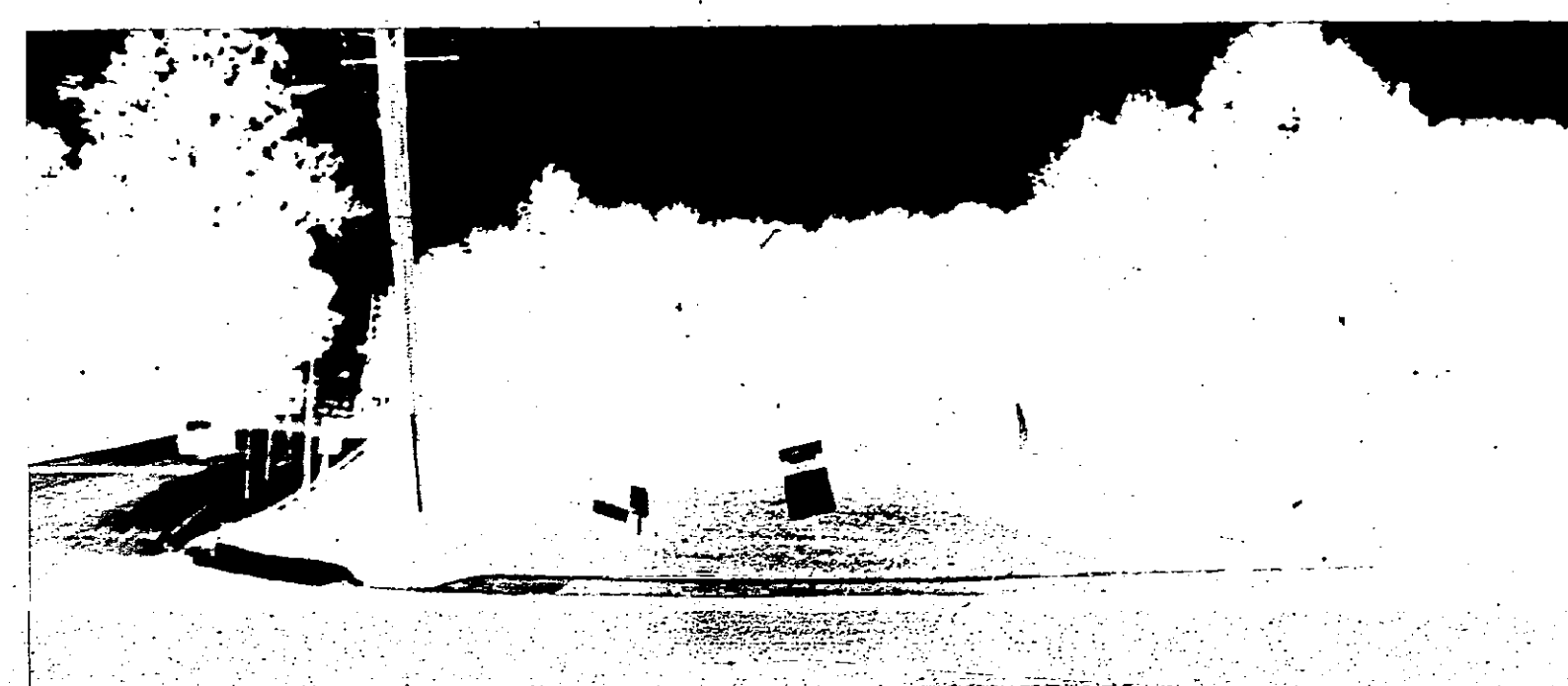
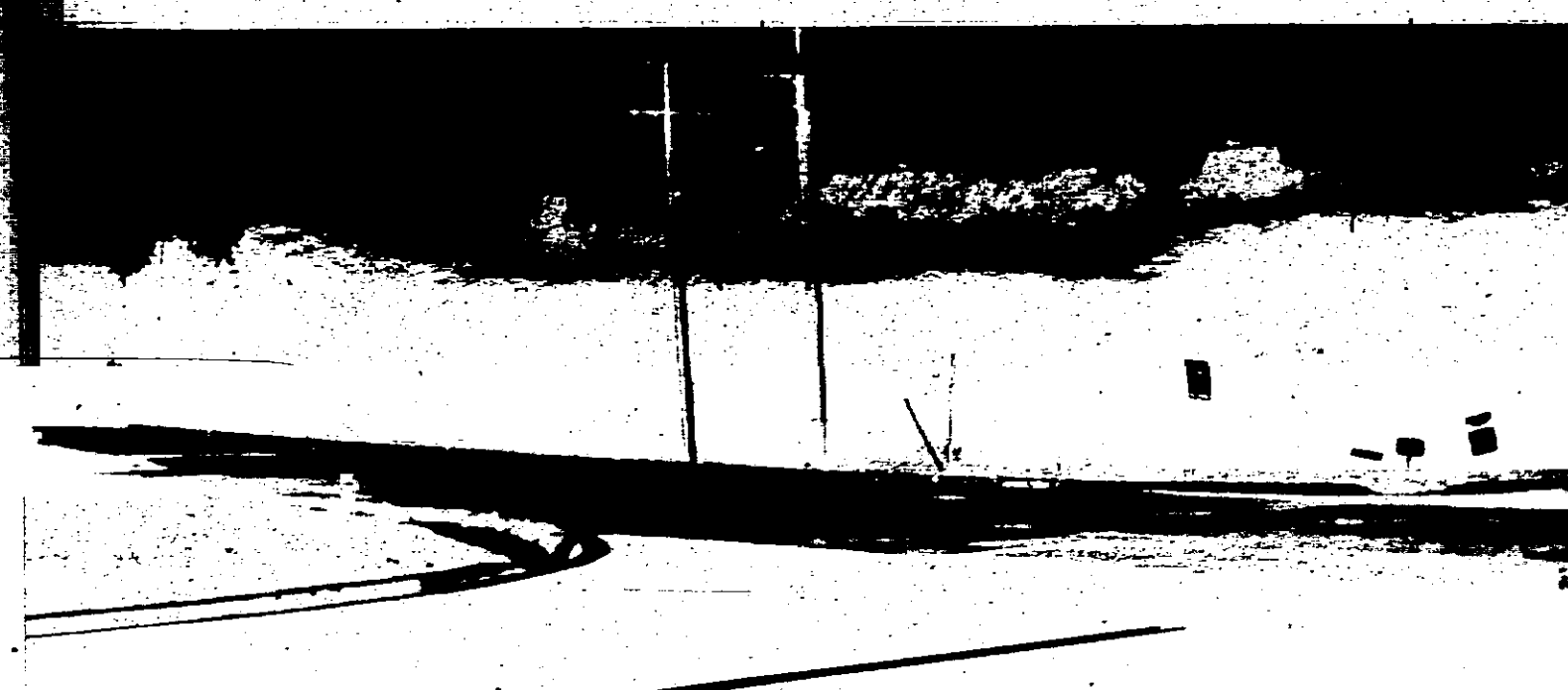
Citizen
NAME: Nancy Costello ADDRESS: 6 Baltistan Ct 21237

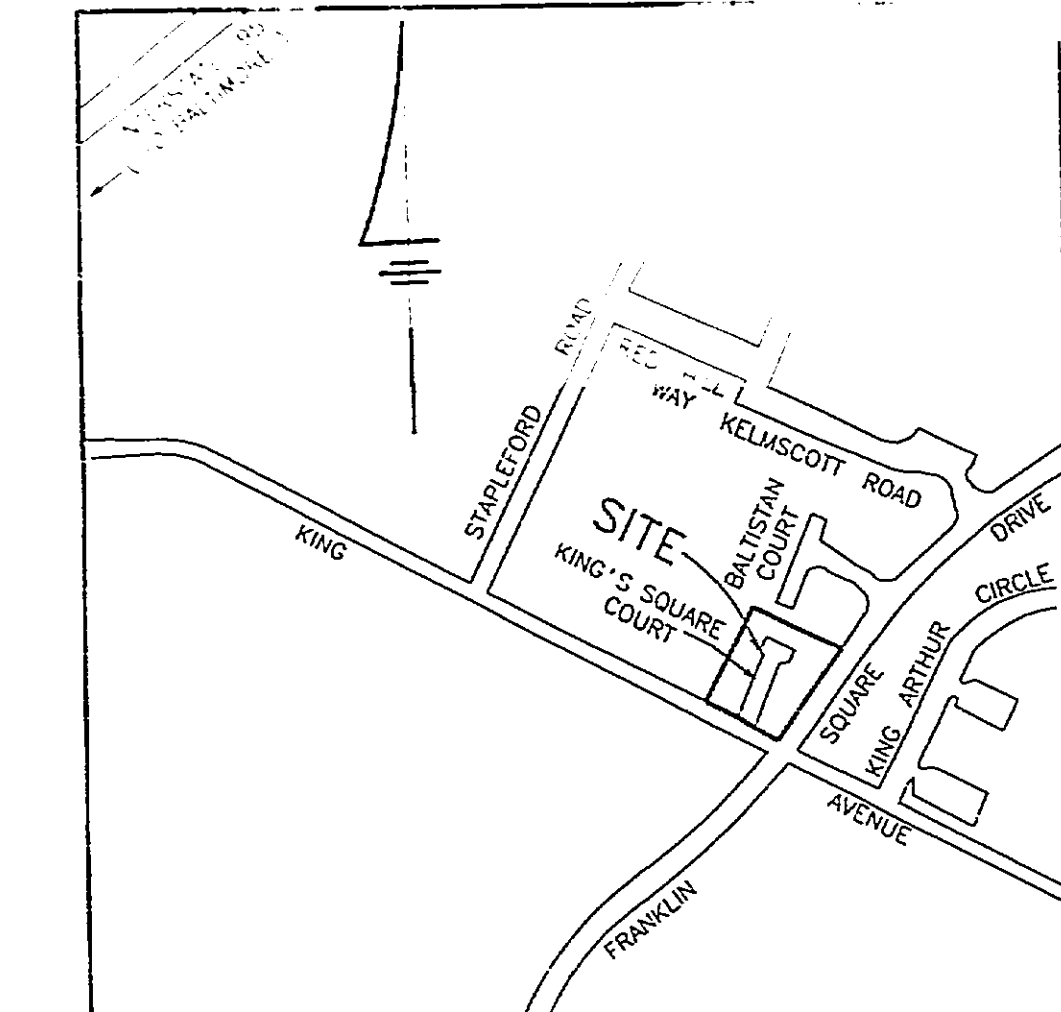
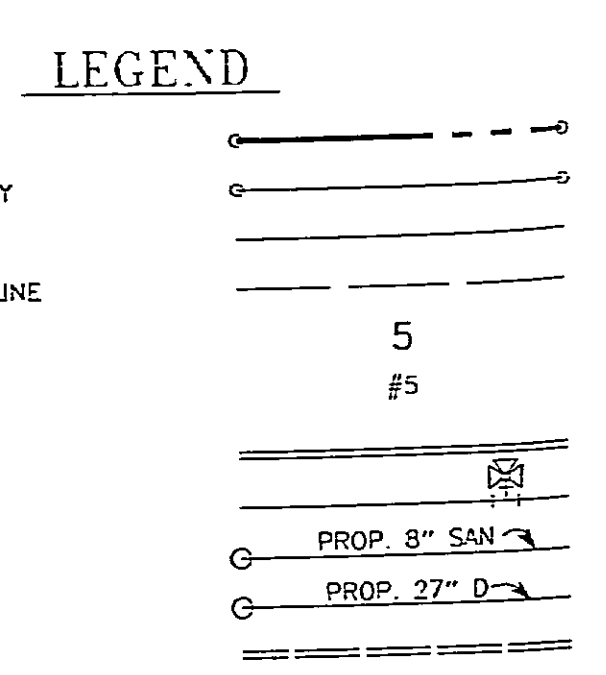
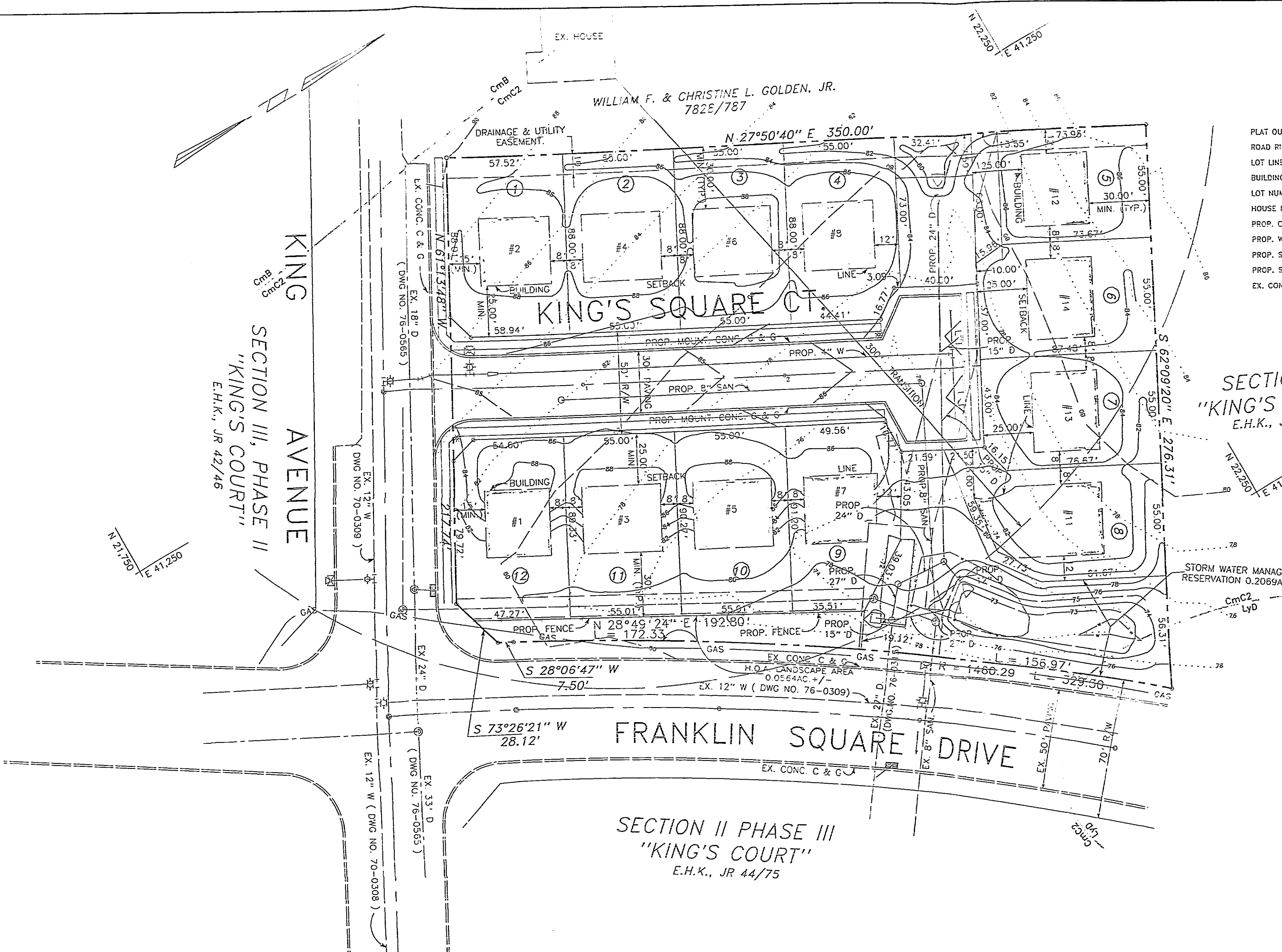
PLEASE PRINT CLEARLY
PETITIONER(S) SIGN-IN SHEET

NAME: JAMES KLINE ADDRESS: 650 KENILWORTH DRIVE 21204
JULIUS W. LICHTER 305 CHESAPEAKE AVE 21204
URI BEN-ER P.O. BOX 68 RESTON, VA 20196



Station 2
Label 2
Photographs
(Box 35-74-52A)





- GENERAL NOTES**
1. THE PRELIMINARY PLAN FOR THIS SUBDIVISION WAS APPROVED ON JUNE 29, 1995.
 2. ALL LOTS SHOWN HEREON ARE FOR SALE OR RENT.
 3. WHEN OPEN LAND IS SOLD AND BELONGS TO THE DWELLING UNIT A MINIMUM AREA (CONTIGUOUS) OF 500 SQ. FT. IS REQUIRED. THE MINIMUM DEPTH OF THIS CONTIGUOUS AREA IS 15'. COVERED AREAS SUCH AS PORCHES CANNOT BE CALCULATED IN THIS SPACE.
 4. THERE IS A MINIMUM OF A LEAST 500 SQ. FT. OF CONTIGUOUS PRIVATE SPACE ON EACH LOT.
 5. SHADINGS INDICATES MAXIMUM BUILDING AREA. ALL BUILDINGS CO.
 6. ZONING REGULATIONS FOR EACH LOT MUST BE MET.
 7. THE BUILDING ENVELOPES SHOWN ON THIS PLAN ARE FOR THE PRINCIPAL BUILDING ONLY (SEE NOTE 7 REGARDING ACCESSORY BUILDINGS).
 8. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTION 400 A 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COORDINATE AND APPLICABLE BUILDING PERMITS).
 9. SETBACK MINIMUM OF 22' MUST BE HELD WHEN GARAGE OR CARPORT ENTER DIRECTLY FROM THE STREET.
 10. THERE ARE TWO (2) 9' X 18' PARKING SPACES MINIMUM PROVIDED FOR EACH LOT.
 11. PARKING AREA SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE (CONCRETE, BITUMINOUS OR MACADAM SURFACING).
 12. STREET LIGHTS SHALL BE 14'10" MAXIMUM HEIGHT.
 13. UTILITIES SHOWN ARE PRELIMINARY ONLY. CHANGES MAY BE MADE AT THE TIME OF FINAL DESIGN.
 14. THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF P.D.M. BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS THAT IT COMPLIES WITH PRESENT POLICY, DENSITY AND SETBACK CONTROLS AS THEY ARE ELABORATED IN THE REGULATIONS. ANY PART OR PARCEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN HEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED, OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAT. UTILIZATION WILL HAVE OCCURRED WHEN A BUILDING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.
 15. THERE ARE NO HISTORIC BUILDINGS ON SITE.
 16. ESTIMATED AVERAGE DENSITY THIS 12.5 = 102.
 17. DENSITY CALCULATIONS ARE BASED ONLY ON THE AREA SHOWN ON THIS PLAT.
 18. ACCEPTANCE OF THIS PLAN IN NO WAY ENDORSES BALTIMORE COUNTY AND REFUSE COLLECTION OF THIS DEVELOPMENT. AT THE TIME OF CONSTRUCTION, A REPRESENTATIVE OF THE BUREAU WILL MEET WITH THE DEVELOPER OR HIS REPRESENTATIVES TO DISCUSS DETAILS OF REFUSE COLLECTION.
 19. NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY TO SUPPORT ANY OTHER OFFICE BUILDINGS.
 20. A LANDSCAPE PLAN MUST BE APPROVED BY THE OFFICE OF PLANNING PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 21. PROPOSED FENCING ALONG REARS OF LOTS 8, 10, 11 AND 12 TO BE UNIFORM IN HEIGHT, STYLE AND MATERIAL, ETC.
 22. SPECIAL ARCHITECTURAL TREATMENT WILL BE USED ON THE SIDES OF HOUSES ALONG KING AVE. TO CREATE SIMILARITY TO FRONT VIEWS.

PETITIONS FOR SPECIAL HEARING AND VARIANCES - INVOLVING KING AVENUE AND FRANKLIN SQUARE DRIVE (SECTION V OF KING'S COURT, AKA KING'S SQUARE) 14TH ELECTION DISTRICT 8TH COORDINATE DISTRICT

GAMMA CONSTRUCTION, INC. PETITIONER

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 95-490-SPHA

IT IS ORDERED BY THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY THIS 16TH DAY OF AUGUST, 1995 THAT THE PETITIONER FOR SPECIAL HEARING TO APPROVE A PROPOSED SECTION IV TO THE KING'S COURT DEVELOPMENT PLAN, SECTION III, PHASE II, AND SECTION III, PHASE III, AND SECTION IV, PARAGRAPHS TO SECTION 1801.3 A, B, 2 AND 3 OF THE BALTIMORE COUNTY ZONING REGULATIONS, 18 C 2 R, TO ESTABLISH THE FINAL LOCATION, ORIENTATION, HEIGHT, AND USE OF ALL BUILDINGS AND TYPE OF MAJOR VEGETATION, SCREENING, AND PARKING AREAS FOR THIS DEVELOPMENT, IN ACCORDANCE WITH PETITIONER'S EXHIBIT 1, BE AND IS HEREBY GRANTED. AND

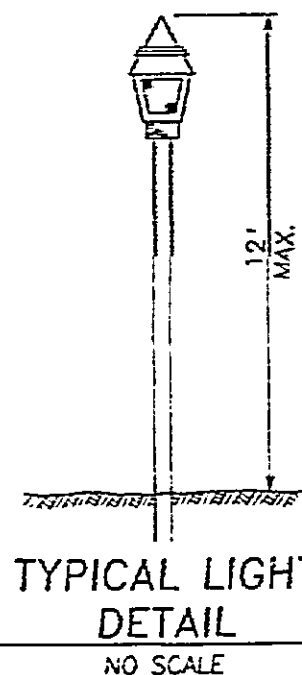
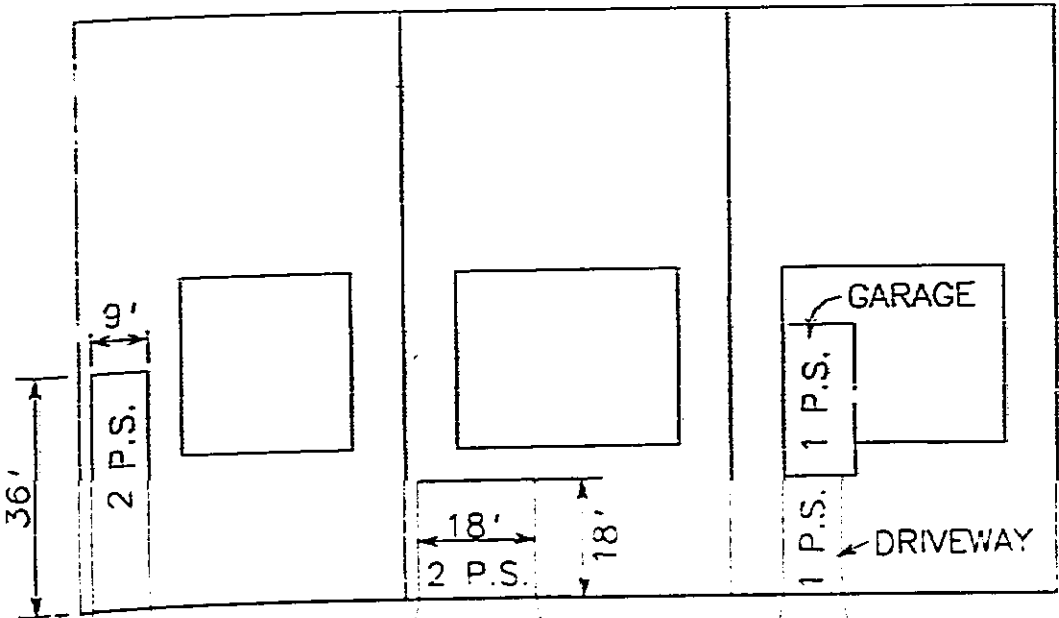
IT IS FURTHER ORDERED THAT THE PETITIONER FOR VARIANCE SEEKING RELIEF FROM THE B.C.Z.R. AND THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES (C.M.D.P.) AS FOLLOWS: FROM SECTION 1801.2 C 4 OF THE B.C.Z.R. AND SECTION V B 1 OF THE C.M.D.P. TO PERMIT A MINIMUM LOT SIZE OF 4,670 SQ. FT. IN LIEU OF THE REQUIRED 5,700 SQ. FT. FOR LOTS 1 THRU 7, AND 8 THRU 12, FROM SECTION 1801.2 A C 1 OF THE B.C.Z.R. AND SECTION V B 5 OF THE C.M.D.P. TO PERMIT A DISTANCE BETWEEN BUILDINGS OF 15 FEET IN LIEU OF THE REQUIRED 25 FEET OR 30 FEET BETWEEN BUILDINGS 25 TO 30 FEET IN HEIGHT. PLUS, FOR LOTS 5 AND 6, 14'4" X 10'0" OF THE C.M.D.P. TO PERMIT A BROADWAY PROPERTY LINE DISTANCE OF 16 FEET IN LIEU OF THE REQUIRED 15 FEET FOR LOTS 7 AND 8; AND FROM SECTION 1801.2 C 2 D OF THE B.C.Z.R. AND V B 6 C OF THE C.M.D.P. TO PERMIT A DISTANCE OF 16 FEET IN LIEU OF THE REQUIRED 40 FEET BETWEEN CENTERS OF FACING WINDOWS FOR LOTS 7 AND 8; IN ACCORDANCE WITH PETITIONER'S EXHIBIT 1, BE AND IS HEREBY GRANTED. SUBJECT TO THE FOLLOWING RESTRICTIONS:

- 1) THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER. HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPEAL PROCESS FROM THIS ORDER IS REVERSED. THE RELIEF GRANTED HEREIN SHALL BE RESCINDED.
- 2) PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, THE PETITIONER SHALL SUBMIT A LANDSCAPE PLAN FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT FOR BALTIMORE COUNTY. SAID PLAN SHALL TAKE INTO CONSIDERATION LANDSCAPING NEEDS ALONG FRANKLIN SQUARE DRIVE AND BETWEEN THE PROPOSED SINGLE FAMILY DEVELOPMENT AND THE ADJACENT TOWNHOUSE COMMUNITY.
- 3) WHEN APPLYING FOR BUILDING PERMITS, THE SITE PLAN AND LANDSCAPING PLAN FILED HEREIN REFLECTING THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.

AS APPROVED BY TIMOTHY M. KOTROCK DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY.

TABULATION

KING'S SQUARE			OVERALL KING'S COURT		
EXISTING ZONING	DR 3.5		DR 3.5	DR 5-5	
GROSS AREA OF TRACT	DR 5.5	2.0143 AC. +/-	184.7468 AC. +/-	0.2382 AC. +/-	28.9411 AC. +/-
	DR 3.5				
	DR 16				
TOTAL GROSS AREA		2.0143 AC. +/-		214.5399 AC. +/-	
NO. OF UNITS ALLOWED	DR 5.5	11.08	1016.1 DWELLING UNITS		
	DR 3.5		0.63 DWELLING UNITS		
	DR 16		463.08 DWELLING UNITS		
	BL		463.5 DWELLING UNITS		
TOTAL NO. OF UNITS ALLOWED		11.08	1489.81 DWELLING & DENSITY UNITS		
NO. OF UNITS PROPOSED		12 DWELLING UNITS	931 DWELLING UNITS		
			463.5 DWELLING UNITS		
TOTAL NO. OF UNITS PROPOSED		12 DWELLING UNITS	1400.5 DWELLING & DENSITY UNITS		
NO. OF PARKING SPACES REQUIRED		12 X 2 = 24			
NO. OF PARKING SPACES PROPOSED		24			
OPEN SPACE REQUIRED		2.0143 AC. +/- X 6% = 0.121 AC. +/-	184.7468 AC. +/- X 6% = 11.085 AC. +/-		
			0.2382 AC. +/- X 3% = 0.007 AC. +/-		
			0.2382 AC. +/- X 3% = 0.007 AC. +/-		
			0.2382 AC. +/- X 3% = 0.007 AC. +/-		
TOTAL OPEN SPACE REQUIRED					
TOTAL OPEN SPACE PROPOSED					



GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
468 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 875-8100

FIRST AMENDED FINAL DEVELOPMENT PLAN "KING'S SQUARE" (SECTION V - KING'S COURT)
ELECTION DISTRICT NO. 14
SCALE: 1" = 30'

BALTIMORE COUNTY MARYLAND.
AUGUST 15, 1995

OFFICE OF PLANNING AND ZONING
APPROVED BY:

DIRECTOR OF PLANNING
DATE
10/25/95

DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT
DATE

P.N. 7676

SECT NO	W-4 TYPE OF UNIT	PROP ROOM FOR UNIT	DWELLING UNITS	W-4 TYPE OF UNIT	PROP ROOM FOR UNIT	DENSITY UNITS	TOTAL DWELLINGS AND DENSITY UNITS	ACCUMULATION TOTAL
1	3060AD0 60 TH. 121 TH.	3 BR 2 BR 3 BK	36 30 217	3060AD0 60 TH.	3 BR 2 BR	36 6 121	72 6 259	
142 CATEGORY			42	354 Apt 500 Apt	2 BR 1 BR	354 67.5 421.5	354 67.5 421.5	259
2 Phase 1	136 TH.	3 BR	136				136	816.5
2 Phase 2	190 TH.	3 BR	190			-	190	1004.5
3	243.5 F 108 Apt 351	3 BR 2 BR	243 108 351				351	1357.5
4	31 TH.	3 BR	31				31	1388.5
5	12.4 F	210 BR	12				12	1400.5
TOTAL			997			463.5	1400.5	